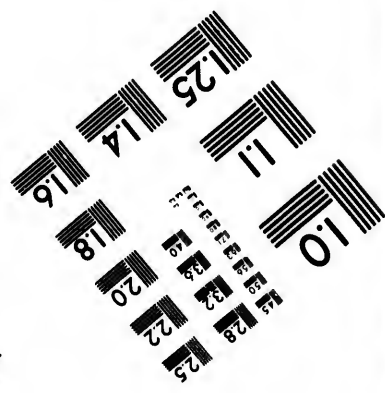
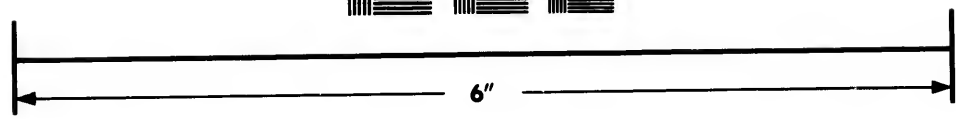
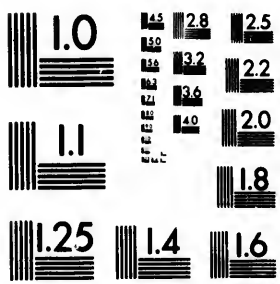


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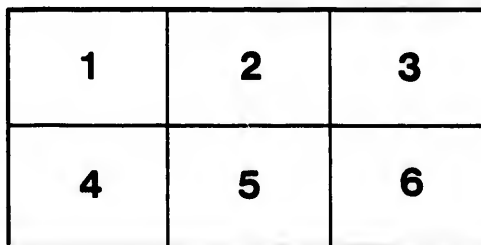
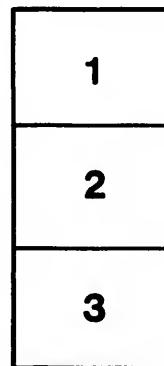
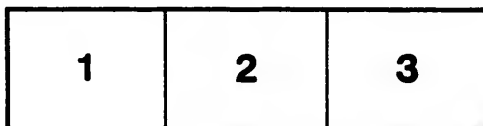
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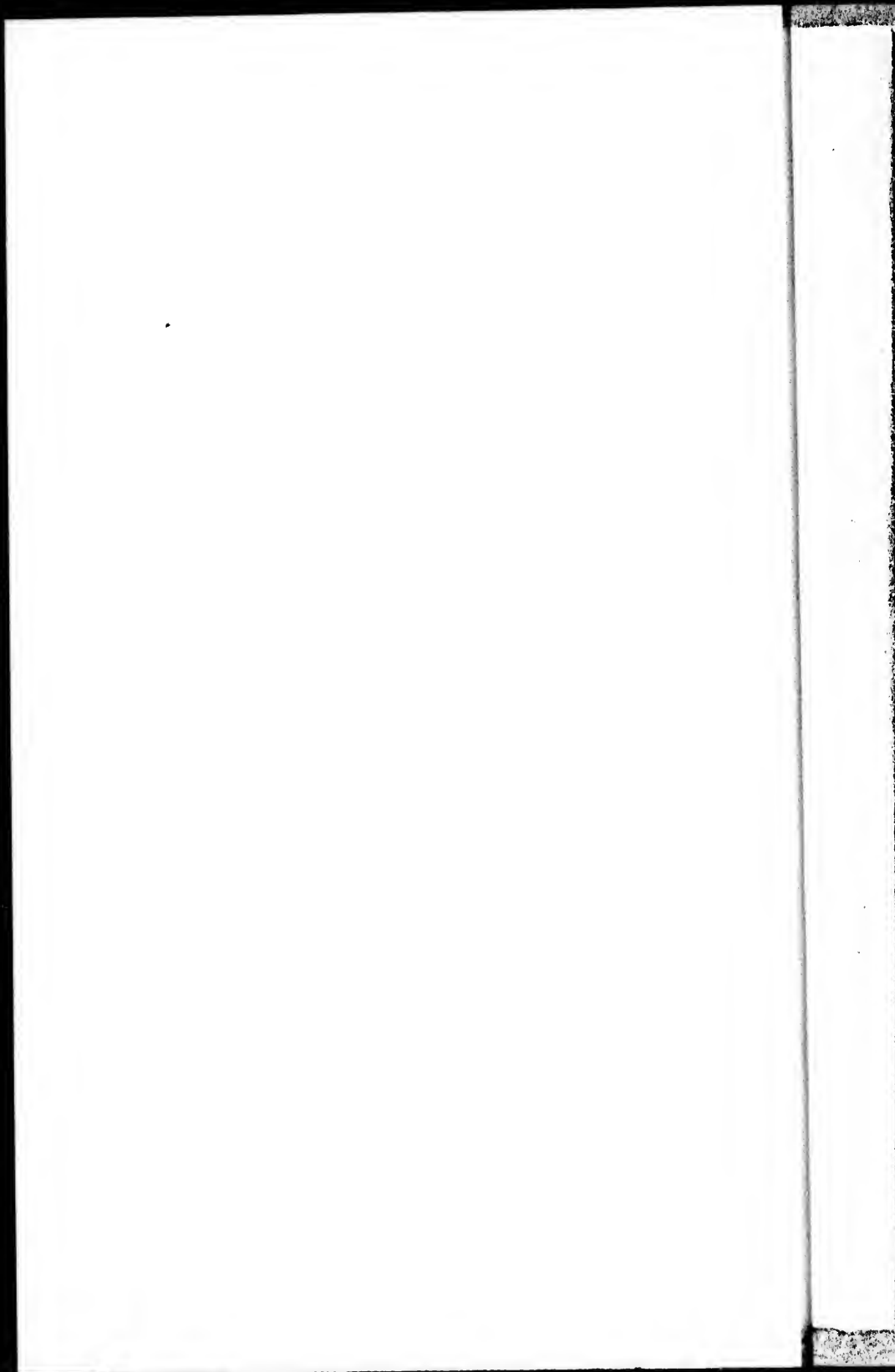
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# MINUTES OF EVIDENCE

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GENERAL COMMISSION OF ENQUIRY,

FOR

**CROWN LANDS AND EMIGRATION.**

APPOINTED ON THE 21<sup>ST</sup> JUNE, 1838,

BY

HIS EXCELLENCY THE RIGHT HONORABLE

**THE EARL OF DUNHAM,**

HIGH COMMISSIONER,

AND

GOVERNOR GENERAL OF HER MAJESTY'S COLONIES

IN

**NORTH AMERICA.**

---

CHARLES BULLER Esquire, M. P. Chief Commissioner.

RICHARD DAVIES HANSON, Esquire, Assistant Commissioner.

CHARLES FRANKLIN HEAD, Esquire, Do. Do.

Hon. HENRY PETRE, Secretary.

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QUEBEC—LOWER CANADA:

Printed by J. C. FISHER and WILLIAM KEMBLE, Printer to Her Most  
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1839.

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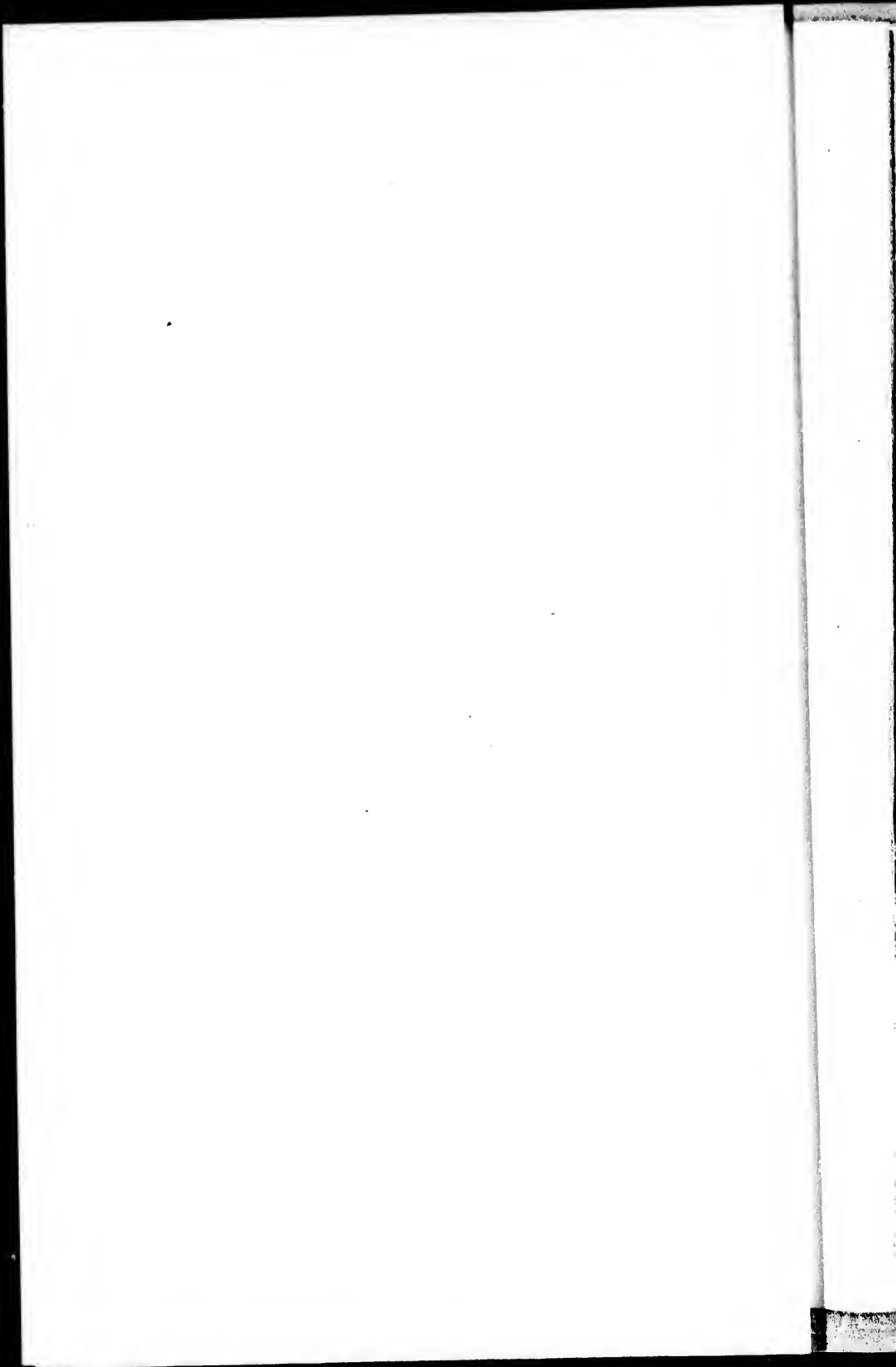
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UPPER CANADA.

JOHN NADENHURST, Esq. Chief Clerk Surveyor Gen'l's. Office,	1
RICHARD HILL THORNHILL, Esq. Chief Clerk in the Crown Lands Office,	17
CHARLES SHIRREFF, Esq. . . . .	27
HONORABLE R. B. SULLIVAN, Member Executive Council, . . . .	29
ANTY. BOWDEN HAWKE, Esq. Chief Agent for Emigrants in Upper Canada, . . . .	36
CHAS. RANKIN, Esq. Deputy Land Surveyor, . . . .	42
W. W. BALDWIN, Esq. M. D. formerly M. P. P. . . . .	44
GEORGE STRANG BOULTON, Esq. M. P. P. . . . .	47
HENRY HINDMAN, Esq. . . . .	51
W. B. ROBINSON, Esq. M. P. P. . . . .	54
The Honorable and Venble. Archdeacon STRACHAN, . . . .	58
Rev'd. EGERTON RYPERSON, Wesleyan Minister, . . . .	60
Rev'd. W. T. LYNCH, Minister Church of Scotland, . . . .	61
Rev'd. R. H. THORNTON, United Secession Church, . . . .	62
Rev'd. W. STUART, United Synod Presbyterian Church, . . . .	63
Rev'd. JOHN ROOF, Member Congregational Church, . . . .	64
Right Rev'd. ALEX. MACDONALD, Bishop of Regiopolis, . . . .	65
APPENDIX to Evidence for Upper Canada, . . . .	66 to 83



## UPPER CANADA.

*John Rodenurst, Esqr.*

Chief Clerk of the Surveyor General's Office.

How long have you been connected with the land granting department in this colony?

I have been in the Surveyor General's Office for twenty years. I have for nine years been Chief Clerk, during the whole of which period I have discharged all the duties of Surveyor General as well as Chief Clerk, (except for about nine months) and I still continue to perform the same duties. I have twice been appointed Acting Surveyor General for periods of six and eight months.

What have been the systems, of disposing of waste lands, the property of the crown pursued in this Province since its establishment?

Immediately after the revolutionary war with America all persons who had served in the Colonial Corps that were raised during that war, were entitled to grants of land according to their rank, Field Officers 5,000 acres, Captains 3,000 acres, Subalterns 2,000, Sergeants 300, Privates 200, those too who had not borne arms during the war, but who at the peace came into this country, previous to the expiration of 1783, were entitled to a grant of 200 acres, or so much more at the discretion of the Governor and Council, as the number of their family or the extent of their means might justify; these grants were made upon condition of actual settlement. The sons and daughters of the latter class (who are denominated U. E. Loyalists born or to be born, were to receive a grant of 200 acres each on their coming of age; these last named grants were subject to no condition till the year 1818, the fact of the party to whom the grant was made being settled in the Province where the land was granted to him being considered sufficient. I have also understood that soon after the establishment of this Province, as early as 1796 or thereabouts, some Townships were to have been granted to persons who would undertake to locate upon them a specific number of settlers, in proportion to the size of the township; after some progress had been made by some of the nominees towards performing these conditions, the plan was abandoned, and grants of land were made amounting to 1200 acres each, as a compensation for the trouble and expense incurred. In addition to the grants thus described every Executive Councillor received a grant of 5,000 acres, free from all conditions except the payment of a small fee, the children of Executive Councillors also received 1,200 acres each free from condition--this practice continued up to 1810. In 1804, new regulations of granting land were introduced, by which all grants were made subject to certain fees, with the exception of privileged grants to U. E. Loyalists, Officers, Soldiers, Executive Councillors and their children. At the discretion of the Governor and Council, grants not exceeding 1,200 were made to Clergymen, Magistrates and Barristers, free from all conditions except the payment of fees. Similar grants might be obtained by almost every body upon the same condition; in fact the payment of fees appears to have been the main, if not the only object contemplated in the granting of land subsequent to the introduction of the table of fees in 1804. This practice of granting land at the discretion of the Governor and Council to any one

whom they might consider entitled to it, without any other condition than that of payment of fees continued till 1818, when the performance of settlement duties was attached as a condition to every grant. Subsequently to this period grants of land were made with rather more reserve than previously, and every person receiving a grant of land, obtaining only a location ticket which only entitled him to occupation of his land, was bound to clear and crop five acres for every hundred, and to clear half the road in front of his location before a patent issued for his grant. This system continued upon all free grants of land till 1836, when the performance of settlement duties was dispensed with, except in the case of Officers and Privates to whose grants these conditions still remain attached. By an order in Council, imposing these settlement duties, a scale of fees was attached to every grant in proportion to the extent of land granted, but grants of fifty acres were allowed to be made gratuitously to poor settlers. In July 1825, instructions were received from Lord Bathurst, directing the sale of land upon quit rents. Under these instructions however scarcely any sales were made, and in the following year under similar instructions, the system of selling was introduced and has been continued up to the present time.

You have detailed the methods of disposing of waste lands which have been pursued since the establishment of the Province, and the character of the persons who either under instructions from the Home Government or orders in Council, were considered as entitled to grants; has any land been granted in exception to these methods, if any thing could be regarded as exceptional to proceedings so irregular?

Large grants have been made to Colonel Talbot, amounting to 48,520 acres as a compensation for having settled two hundred and forty settlers upon 12,000 acres of land. This was in addition to 1,200 acres upon the payment of the usual fees. There was also a grant to the heirs of General Brock of 12,000 acres, and a grant of 12,000 to the Bishop of Quebec; these two last were under special instructions from Lord Bathurst. Grants amounting in the whole to 254,180 acres have been made to persons contracting for the survey of townships, as a compensation for such surveys, in lieu of money payment. Grants have also been made to Officers and men in different Corps of Militia, who served during the last war with the United States. Grants were also made to the settlers sent out under the superintendance of the late Mr. Robinson in 1825. A quantity of land has been granted also, chiefly in the Bathurst district, to old soldiers and military Emigrants, the greatest part of whom were sent out by the Home Government. A grant of 5,000 acres was made to the Lord of McNab, as a compensation for bringing out settlers.

Under what authority have grants of land been made in this Province?

Up to the time of the division of the Provinces in 1791, all grants were made by the authority of the Governor and Council, at Quebec, acting under Instructions from the Home Government.

Can you state how much land was granted in this Province previous to that period?

I have no means of ascertaining, as there are no records in the office, but the plans transmitted from Quebec, whether the locations were made, but I believe the amount is comparatively small. After the division of the Province all grants were made by the Governor in Council, also under Instructions from the Home Government.

Were not grants under the authority of land boards appointed by the Governor?

There were such boards appointed in 1789 for the Niagara, Midland and Western districts, to which it was directed by an order in Council, that applications should be made, and these boards were empowered to give a certificate to any applicant, entitling him to 200 acres of land upon condition of actual settlement within one year from the date of the grant.

Do you know how many townships were to have been assigned to individuals upon the conditions which you have mentioned of locating a certain number of families on them?

About ten.

How much land was granted to the individuals to whom these townships were to have been assigned by way of compensation?

Twelve hundred acres each, amounting to 12,000 acres in the whole.

Do you know why the system of granting land in townships to individuals was abandoned?

I do not know.

Were there not a considerable number of applications for grants of townships upon these terms?

Yes there were.

How many?

About fifty.

Which would have comprised 3,000,000 acres of land?

Yes.

Might not the extent of the demand thus suddenly made, have led the Council to pause for fear of the result?

It is probable that this might have been the case, but I do not know.

Has it not been the case that one or two of the townships thus intended to have been assigned, (that of Markham for instance) has been all settled by the exertion of the nominee?

Yes this was the case with Markham, and Oxford which were well settled by the exertions of Mr. Ingersoll.

Was it not part of the Instructions framed by the English government for the regulation of the land granting department in this Province, that no grant should exceed 200 acres, a discretion being vested in the Governor of making a further subsequent grant not exceeding 1000 acres? It was part of the original Instructions.

The reason assigned for this circumstance was, that in the old British Colonies great inconvenience had been found to result from the granting excessive quantities of lands to particular persons who have never cultivated or improved the same, and thus have prevented others who were industrious, from improving such lands, was it not?

Yes it was.

Do you know under what authority the grants of 5000 acres to Executive Councillors, in direct violation of the spirit and letter of these instructions were made?

I have understood they were made upon recommendations from the Council of the Province, and confirmed by the Home Government.

Up to what time did Executive Councillors continue entitled to grants of land?

I think the last grant was made in 1807.

Were any grants made to the children of Executive Councillors subsequent to that period?

No, I believe not.

At what age were the children of Executive Councillors entitled to a grant?

I do not know that there was any fixed age.

Was there not one case in which a grant of land was applied for in respect of a child two or three days old?

Yes there was; but this was in the case of the child of a Legislative and not of an Executive Councillor.

Did it ever happen that reserves were made for such children before they were born?

I do not know that it was before they were born, but there is this instance of a reserve being made three days after.

How much land was granted on the whole under the different systems you have described, previously to the introduction of the system of 1825?

I should imagine upwards of 13,000,000 of acres.

In what proportion have these lands been granted to the different classes you have described?

I will furnish a return in answer to this question.

You have stated that in 1818 grants of land were made subject to the performance of settlement duties; for what quantity of land did patents issue upon proof of the performance of the settlement duties?

Does this comprise the whole amount of land located between 1818 and 1825?

No, it does not; a great number of locations were made, the patents for which were not applied for until after the performance of settlement duties were dispensed with, during this period also a great many persons who had become entitled to free grants would not even apply for locations, lest they should become subject to the performance of these conditions.

So that probably nearly the whole of the patents issued during the period were to actual settlers?

Yes, to actual settlers, or to persons who placed actual settlers on the land granted.

For what quantity of land have patents been issued since 1836, when the performance of settlement duties, as a condition of patent, was abandoned? *(Answer to be given hereafter.)*

You have stated that the obtaining of fees appears to have been the main, if not the only object contemplated, in the granting of land since 1804. What were the fees required upon grants of land at that time?

On all town lots and grants under 100 acres	£6	9	0
On all grants of 200 "	"	8	4
"	"	12	6
"	"	16	8
"	"	20	10
"	"	24	12
"	"	25	14
"	"	32	16
"	"	36	18
"	"	41	0

In what manner were these fees appropriated ?

A sum varying from £2 18s. 6d. upon grants of land from 100 to 500 acres to £5 11s., upon grants of 1000 acres was distributed among the different officers of government, connected with the land granting department.

These fees amounted to nearly one shilling an acre, so that the system in fact was equivalent to a sale of land at that price ?

It was.

But the Governor in Council had absolute discretion as to the individual to whom this sale should be made, the locality in which his lands should be situated, and the quantity of land he should be allowed to obtain ?

Yes, he had.

And of course this power might be exercised so as to make the purchase, (if it may be so termed,) of one individual very considerably more advantageous than that of another ?

It might ; the value of land depends so much upon location that this must have been the case ?

Were there any complaints that this power was employed to give an unfair preference to individuals ?

I have heard such complaints, but since I have been in the office I am satisfied there have not been any just grounds for them.

How long did this table of fees continue in force ?

Up to the 5th January, 1816.

How much land was granted between 1804 and 1819 ?

*(An answer to this will be furnished hereafter.)*

How much of this was granted subject to the payment of fees, and how much to privileged persons ?

I have no means of ascertaining without a reference to returns of every description in the office, amounting fully to 50,000.

There has then been no separate entry of grants to different classes, nor any index by which these grants might at once be referred to ?

No, there has not.

What was the scale of fees substituted in the beginning of 1818 for that of 1804 ?

Fees on a grant of 100 acres	£	s	d
" 200	16	17	6
" 300	24	11	9
" 400	32	5	8
" 500	39	19	9
" 600	47	13	10
" 700	55	7	11
" 800	63	2	0
" 900	70	10	1
" 1000	78	10	2
" 1100	86	4	3
" 1200	93	18	4

or equivalent to about seventeen pence halfpenny per acre.

What exceptions were there to this scale of fees ?

The same as those of 1804.

How long did these remain in force ?

Up to the 1st January, 1830.



What scale of fees was then substituted in their place ?

By order of Council, 1st January, 1830, grants of 50 acres were gratuitous.

On grants of 100 acres there was	£12
“ 200	“ 30
“ 300	“ 60
“ 400	“ 75
“ 500	“ 125
“ 600	“ 150
“ 700	“ 175
“ 800	“ 200
“ 900	“ 225
“ 1000	“ 250
“ 1100	“ 270
“ 1200	“ 300

These fees were payable by instalments, one-third on receiving a location ticket, one-third on receiving the Attorney General's fiat, and one-third on the descriptions issuing from the Surveyor General's Office.

How much of these fees was received by the Officers of the Crown ?

The same precisely as in 1804.

These fees then raised the price of land upon all tracts containing more than 500 acres to five shillings an acre ?

Yes, they did.

The Governor in Council, however, had the same absolute power of receiving or rejecting an application as formerly ?

Yes, he had.

What quantity of land was granted gratuitously in 50 acre lots ?

About 40,000 acres.

How much land was granted subject to these fees ?

72,228 acres.

Were there no other means by which an individual might acquire land besides those which you have mentioned, such for instance, as by purchase from the Indians ?

There have been many purchases made from the Indians, but it was necessary that the purchase should receive the confirmation of the Home Government before the titles issued.

Have not very large tracts of land been acquired in this manner ?

Yes.

Will you mention some ?

The township of Woolrich, containing upwards of 86,000 acres acquired by Mr. Wallace, and by him sold immediately to Colonel Pilkington, who commanded the Engineers in this Province, the township of Dumfries, containing upwards of 94,000 acres, granted to Mr. Stedman, and by him sold to the Honble. W. Dixon, Member of the Legislative Council. The township of Nichol contains 28,500, acquired by the Honble. Thomas Clark, Legislative Councillor. The township of Waterloo, containing upwards of 94,000 acres, acquired by Richard Beasley, and two others.

Was not Mr. Beasley Speaker of the House of Assembly at the time the township was acquired in this manner ?

Yes I believe he was.

Were then any other townships acquired in this manner ?

A block of 50,800 acres was acquired by Mr. William Jervis, Provincial Secretary, and a block of 19,000 acres by John Dogstodder and

Benjamin Candy, these are all that I can number at present.

Were any of these individuals agents for the Indians at or prior to the time of obtaining these grants?

No they were not.

When Indian land has been acquired by the government, what has been the practice with regard to the claims of individuals who had acquired rights under the Indians?

It has been the practice of government to confirm such rights to a reasonable extent.

Has much land been acquired in this manner by individuals?

No not a great deal, with the exception of the townships already mentioned, which contain in the whole 352,000 acres.

Do you know what consideration the Indians received for these grants?

No I do not.

All of them however were sanctioned by the Home Government?

Yes.

Upon representation from the government here?

I do not know how that would be, but I presume it was.

And Members of the Legislative Council or of the government were directly or indirectly concerned in every grant?

Yes they were.

In 1826 the system of granting land subject to the payment of fees was succeeded by a system of sale at auction; what have been the duties of the Surveyor General with regard to the land sold under the instructions by which this system was introduced?

We receive a certificate of sale from the Commissioner of Crown Lands, for all lands sold upon which the purchase money has been paid, upon receiving this a description of the patent issues.

So that the office of the Surveyor General contains no record of any sales of land, excepting those upon which the whole of the purchase money has been paid?

It does not.

And as the Crown Land is to be sold by instalments, you have no record of the sale till four years after the sale is made?

No except in those cases where the purchaser may find it convenient to pay the instalments before they are due.

So that the Surveyor General's office cannot furnish to any individual a correct statement?

It can, except in respect of such lands as are returned to the Commissioner of Crown Lands as appropriated for sale.

Is it then the case that portions of the Province are open for settlement, and not open for purchase?

No this is not the case. If any individual should apply to the Surveyor General's office, wishing to purchase a lot which is open for location, that lot is immediately returned to the Commissioner of Crown Lands for sale.

After a particular lot has been so returned for sale, it has to be advertised and put up to auction, so that the individual applying for it is exposed to delay and incur the risk of being overbid?

That relates to the Commissioner of Crown Lands office, with whose regulations I am not acquainted.

Why is not all the land open for location returned to the Commissioner of Crown Lands for sale?

Because a number of claims for locations remain in this office unapplied.

fied, which requires that the land should be retained in the office to satisfy them.

Would it not greatly simplify proceedings of the Land Department, and facilitate the acquisition of land by persons desirous to settle on it, if all lots open for disposal were returned to the Commissioner of Crown Lands for sale, and such as were actually located, marked off in the same manner as those which have been sold?

In the present case the Commissioner of Crown Lands has to refer to this office for lots required for sale, in that which you have suggested, we should be required to apply to him for lots required for location. I do not see that public business would be facilitated by the change.

It is however absolutely at the discretion of the Surveyor General to decide what lands shall be open for location, and what shall be open for sale?

Not without the sanction of the Governor.

I presume however that the Governor acts upon the recommendation of the Surveyor General?

That I cannot say.

How much land has been certified to the Surveyor General's office as being sold by the Commissioner of Crown Lands? (No answer.)

Does this include all the land which has been disposed of through the Commissioner of Crown Lands, and for which descriptions have issued?

No it does not. The grants to officers of the army and navy, under the orders from the Horse Guards and Admiralty, or rather the lands in respect of which a remission of purchase money is allowed for that, in the form in which the grant is made, are not included in this return.

What is the amount of land thus disposed of?

I will furnish a return of this.

All other methods of disposing of the waste land of the crown than those of sale or by a remission of purchase money, are under the superintendence of the Surveyor General?

They are?

What other methods of disposing of waste land are still in force?

Grants to sons and daughters of U. E. loyalists, to discharged soldiers and orders for grants of land under the authority of the Executive Council to emigrants and others yet unlocated and which remain unlocated because no time was limited in the order within which the individual in whose favour it was made was bound to locate it.

Have any of these orders been made since the establishment of the system of sale by the treasury orders 1825?

None except to the U. E. loyalists and discharged soldiers and sailors.

Then all unlocated orders in favour of emigrants must be of 13 years standing?

Yes since 1825.

Are there many of these orders still unlocated?

Yes there are.

Can you state how much land would be required to satisfy them?

I will furnish a return of the amount.

What were the grants to discharged soldiers and sailors?

Up to 1836 any soldier or sailor producing his discharge and a certificate of character was entitled to a grant of one hundred acres of land. This practice has been put an end to except in respect of soldiers who have served in the country who are still considered entitled to the grant.

Under what authority are grants to these soldiers continued ?

I believe that they were excepted from the instructions received from the Home Government by which the general practice was stopped.

How much land has been patented to all these different classes of individuals since 1825 ?

I cannot state positively from memory, but I believe about two millions, exclusive of the Canada company. And the quantity for which patents have issued, sold by the Commissioner of crown lands, is rather more than 50,000 acres.

So that the quantity disposed of by free grant since the system of selling was introduced is nearly forty fold greater than by sale ?

It is.

With regard to the grants to the sons and daughters of the U.E. loyalists were any large proportion of these settled by the grantees ?

No, by far the largest proportion was sold to speculators.

Were any extensive purchases of these rights made by particular individuals ?

I know of one case, that of the Honble. Robert Hamilton, in which the rights to these grants to the amount of about 160,000 acres, were purchased and there are several others of from 20 to 50,000.

Mr. Hamilton was a member of the Legislative Council, was he not ?

Yes he was.

Were these other large purchases connected with the Government in any way ?

There were two Chief Justices, Elmslie and Powell, the Solicitor General Gray, and several members of the Executive and Legislative Council, as well as members of the House of Assembly, who were very large purchasers.

And it is not, I suppose, too much to presume that these individuals were able to obtain more favorable localities for their grants than a private individual could have hoped for ?

I do not think there was any partiality shewn them in the selection of lots, but they necessarily had greater facilities.

What was the general price of these grants ?

From a gallon of rum up to perhaps £6.

So that while millions of acres were granted in this way, the settlement of the Province was not advanced, nor the advantage of the grantee secured in the manner that we may suppose to have been contemplated by Government ?

No they were not.

Has this acquisition of land in large tracts by individuals operated unfavorably upon the advancement of the Province ?

It certainly has retarded the settlement of the Province. Land has been locked up by these proprietors who have done nothing to improve the value of their lands or to facilitate their settlement, I am only aware of one exception to this, the Honble. John Elmslie, who has expended large sums in improving his purchases. The remainder have allowed their purchases to remain waste until the rise of value produced by settlement in their neighbourhood has tempted them to sell, or have sold them to other speculators who have allowed them thus to remain.

Have the disbanded soldiers and sailors generally settled upon their lands ?

Generally they have for a while.

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Have they then subsequently abandoned their settlements ?

I have no means of knowing it officially, but I have no reason to doubt that the majority have remained upon their land just long enough to enable them to get their deed, which they might obtain upon proof of a residence for three years, and then sold it for a very trifling consideration.

What number of acres are under location that is as I understand granted, but not patented ?

Lands that are not under patent are not subject to the tax upon wild land ; are they ?

No they are not.

Supposing therefore an individual who has drawn land, or obtained a location, felt confident of obtaining his patent from Government whenever he applied for it ; it would be for his interest not to apply for the patent until he had an opportunity of selling the land, or was desirous of settling on it ?

Yes, he would escape the wild land tax.

And in practice, I suppose, that every individual who has thus drawn land, is quite sure of obtaining his patent when he applies for it ?

Yes I have never known Government refuse a patent to a locatee.

What is the amount of the wild land tax to which these lands if now under patent would be subject, and the number of acres thus situated ?

It is rather more than four shillings per annum for 200 acres.

To this extent, therefore, the Province has been (so to speak) defrauded of the produce of the wild land tax ?

Yes, the tax has been evaded in this manner.

Could any person, not being a natural born subject, or naturalized, obtain a grant of land in this Province ?

Such persons have occasionally obtained grants of land upon taking the oath of allegiance, but since the passing of the Alien Bill, this is, I believe, impossible.

How much land would be required to satisfy persons who are, or may be, entitled to locations ?

About 500,000 acres.

What quantity of land is included in that portion of Upper Canada which has been actually surveyed ?

Nearly 17,500,000 acres.

How much of this has been granted or appropriated ?

13,300,000 acres have been granted and disposed of to individuals, and the Canada Company and public purposes ; 450,000 have been set apart for roads ; 318,000 have been appropriated to the Indians ; 2,400,000 have been appropriated as Clergy Reserves, leaving about 1,500,000 open for disposal.

Of which one-third will be absorbed to satisfy claims for location which may yet be urged ?

Yes.

And the remainder I presume is generally of an inferior character, and in an unfavorable position ?

It is generally.

Have you any idea what proportion of the 13,300,000 acres granted or disposed of is now actually occupied ?

I have no means of ascertaining accurately ; but from the knowledge I have acquired by travelling through the country, I am inclined to believe a very small proportion.

The remainder of course is wild land—what effect has this mass of

wilderness upon the progress and wealth of the country, as affecting the means of communication and transport ?

Injurious in the highest degree ; nothing has more tended to retard the settlement and prosperity of the country than this circumstance.

For what public purposes have lands been received, other than the benefit of the Clergy ?

There have been reserves for schools amounting originally to 300,000 acres. A part of this, amounting to 266,000 acres, has been appropriated to the support of the University of King's College.

Under whose management are the lands appropriated to King's College ? Of the Chancellor of the University and a Committee. The whole of the land has been patented to them. The University did not obtain the school lands, but an equal amount of the most valuable Crown Reserves, in exchange for the less valuable school lands. These school lands used to be under the management of a board of education, but I do not know that there is any such body now.

How much of the school reserves have been patented ?

A very trifling quantity, but I will furnish a precise return.

Of what value generally are those which remain ungranted ?

They will average, I should suppose, about 10s. per acre.

And as upwards of two hundred thousand still remain to be disposed of, this would produce about £100,000 ?

It would.

Lands have been appropriated as Crown Reserves—is this practice still continued ?

Crown Reserves are still marked upon the diagram, and are not open for location unless specially ordered by the Governor ; but they are open to sale in the same manner as other Crown Lands.

As regards persons entitled to grants, however, they are still actual Crown Reserves ?

They are.

What has been the practice pursued with regard to the laying out of towns, and the general disposal of town lots ?

Whenever the Surveyor General on the report of a Deputy Surveyor, imagines that a locality is advantageously situated for the building of a town, the site is submitted to the Lieutenant Governor as fit for a town, and in general a reservation is made for a site. The block thus reserved is divided into acre, half-acre, and quarter-acre lots, according to its apparent value, or the probability of a great demand of the lots for building purposes, and these lots have been heretofore granted subject to the payment of fees, and on condition of erecting a building on the lot within a specified period. They were granted indiscriminately at the discretion of the Executive Council, to any person who was willing to fulfil the conditions imposed.

So it might happen that the whole of a town might be granted away within a short time of its reservation ?

Yes.

Though it must be known that only a small part of those who received those grants could actually settle in the town ?

I do not know how that was ; but if the conditions of the grant were complied with, that was all the government required.

Has it not happened from this practice of granting in the first instance, that there are towns, the whole of which is owned by individuals, but a small proportion of which is built upon ?

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There must have been buildings originally, but they may have been pulled down or allowed to fall into decay.

What practice has been pursued in laying out the Clergy Reserves?

Before the townships were surveyed, the diagram was furnished to the Surveyor, with the Clergy Reserves in every seventh lot marked on it, and on his return of survey these lots were appropriated as Clergy Reserves.

By the Constitutional Act it was directed "that whenever any grants of land shall be made by the Crown, there shall at the same time be made in respect of the same, a proportionable allotment for the support of the Clergy;" under what authority are the appropriations you have described, made before any grant has been made to private individuals?

Under authority of an order in Council, 27th June, 1795,

By the patent which issues upon every grant of land, has there not been a specification of the land set apart for the support of a protestant clergy, in respect of such grants?

Yes there has.

What proportion of land has been specified?

A quantity equal to one-seventh of the land granted, or fourteen two-sevenths acres for every 100 acres.

But as one-seventh of the whole land comprised in a township, is equal to one-sixth of the land remaining to be granted after this reserve has been made, it would follow therefore, that in every township there must be a portion of the land going under the name of clergy reserves, which is not specified as such in any patent?

It would have been the case if reserves had been made regularly from the commencement.

Have not such reserves been made regularly?

Not in the early settlement of the Province.

By a statement which you have furnished to this Commission, it appears that among the surveyed lands of the Province, there are about 700,000 acres described as Indian Lands, and which therefore have not yet been granted by the crown; has any reserve been made for the clergy in respect of these lands?

Yes there has been the usual quantity of land set apart as clergy reserves in respect of these lands.

Under what authority have these reserves been made?

The reserve was made in anticipation of the land being granted.

So that upwards of 100,000 acres have been withheld from settlement, because the Surveyor General choose to imagine that at some time or other the crown would grant land which did not belong to it?

This reserve was not made by the Surveyor General at his discretion; but on the authority of a special order of the Governor in Council, founded on a representation of the then Attorney General, and the greater part of it has been specified since the Indian lands, in respect of which the reserve was made, have been patented to individuals.

By the same statement furnished to this commission, it appears that the surveyed land amounts to nearly 17,000,000 acres, the land appropriated as clergy reserves, to about 2,400,000 acres, being about one-seventh of the whole surveyed land; supposing the plan which you have described of reserving land equal to one-seventh of the grant pursued in respect of the whole surveyed land, there would be a surplus, would there not, of upwards of 300,000 acres not specified in any patent?

If all the lands were under patent and specification taken, there would be a large surplus not required for any specification, owing to the misconception of reserving one-seventh instead of one-eighth.

And there must be a proportionate surplus in every township in which a reserve of one-seventh has been made in laying it out, according to what you term the chequered diagram system?

Yes there would be.

How many townships have been so laid out?

About two hundred, comprising about 13,000,000 acres.

Nearly the whole of the land which has been disposed of by the Crown?

Nearly the whole of the land fit for cultivation.

So that the surplus contemplated in my former question has actually arisen in almost all the townships in the Province?

In about two-thirds.

In what manner have the specifications for clergy reserves been made?

In the first instance only, six-sevenths of every lot of 200 acres, or 171 three-sevenths acres were specified, leaving 29 four-sevenths of each lot not contained in any specification; latterly the seven-sevenths of each lot has been taken out, and one-seventh of the lots set apart for the clergy reserves, in each township, has been omitted from specification.

Will you state in what townships these separate systems have been pursued?

No such answer as you require me to make can be made, because in many of the townships in which the former system was originally pursued, a portion of the land remained ungranted, when the latter system was introduced; thus both systems have been introduced into the same township.

So that it would be absolutely impossible to separate the specified and unspecified portions of what is called the Clergy Reserve throughout the Province?

It is obviously impossible in those cases in which parts only of particular lots were specified according to the first system described; one-seventh of those lots which have not been taken in specification can be ascertained but not in any particular part of the lot.

How many acres of clergy reserve have been described for patent?

Nearly 74,000 acres.

How much of this has been specified as clergy reserves in patents or grants of lands?

I cannot say, as some lots are taken in whole and others are as yet in part.

Are you aware whether any lots have been sold, no part of which has been specified in any patent?

I do not know whether or not there has been such sale, the whole of the clergy reserves having been returned to the Commissioner of Crown Lands for sale, and this office having only a record of those upon which the whole purchase money has been paid.

Such however may have been the case?

Yes.

And many lots have been returned from this office to the Commissioner of Crown Lands no part of which has been specified?

There have.



Was there not a special agreement made with the Laird of McNab, for the settlement of the township of McNab?

There was, by an order in Council, dated Nov. 5th 1823.

What was the nature of that agreement?

It was that a township should be set apart on the Ottawa, for the purpose of being placed under his superintendence; that it should remain under his sole direction for eighteen months; that patents might issue to any of the settlers of the township on his certificate, stating that settlement duties were performed, and his claims on the settler adjusted; or that patents might issue to him in trust for any number of settlers—that a grant of 1,200 acres was to be assigned to him to be increased to 5000 acres, on his completing the settlement of the township.

Has the settlement of the township been completed?

No it has not.

The full grant of 5000 acres has however been made to the Laird of McNab, has it not?

The order of the Governor in Council for the grant is lodged in this office, but no description for patents has issued.

Why is that?

The selection of the lots that he made, were those on which he had placed settlers, who I understood had made considerable improvements, and I did not feel myself at liberty to issue descriptions, and I accordingly referred it back to the Executive Council. His second petition that a description for those particular lots may issue for patent is now before the Executive Council.

The effect of granting his petition, would be to place those settlers completely in his power?

Yes it would.

By an order in Council this township was to be placed at his disposition for eighteen months: has there been any order in Council extending this period?

I am not aware that there has been.

The settlement however of the township is still under his sole direction, is it not?

Yes it is.

Has not the settlement of a very extensive tract of country been placed under the sole superintendence of Colonel Talbot?

Yes it was.

On what terms.

At first Colonel Talbot was entitled to receive 150 acres for every individual whom he should have settled on 50 acres of land; under this system he acquired the number of acres I have mentioned. Under this arrangement he settled 240 families; since 1821 this arrangement has been discontinued, but the exclusive superintendence of this large tract is still in his hands, but he performs the duties of superintendent without receiving any grant of land as remuneration.

He may however, I presume, make any arrangement he pleases with the persons he settles on the land, as to the surrender of a portion of the grant made to them?

He may, but I do not think he does, I have not heard any statement of the sort.

Has he then no remuneration for his labour?

Not that I am aware of.

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Not a pension of £300 a year?  
 He has a pension, but I do not know for what services it was granted him.

How much of this land is settled?

I understand from him that he has settled nearly the whole of it.

What quantity of land was sold by Government to the Canada Land Company, and what were the terms of sale?

The company at first contracted for the purchase of 1,354,413 acres of Crown reserves, and 829,430 of Clergy reserves, at 3s. 6d. per acre. The government were however unable to perform their contract, so far as related to the Clergy reserves, and as a substitute, the Company were allowed to select 11,000,000 acres in a block on the shores of Lake Huron, at the same price, for the whole, as was to be paid for 500,000 acres, Clergy reserves, making the whole purchase 2,434,413 acres. The purchase money was to be paid in the following annual instalments, viz:

In the year ending in July, 1827,	£20,000
1828,	15,000
1829,	15,000
1830,	15,000
1831,	16,000
1832,	17,000
1833,	18,000
1834,	19,000
1835,	20,000

and £20,000 a year for the next seven years. The Company was to be at liberty to expend 1s. 3d. part of the purchase money of the block of 11,000,000 acres in public works and improvements, within such block of land, such as canals, bridges, roads, chaudres, wharves and school houses, &c.

Has there been any obligation on the Company to take out patents for their lands at any particular time?

No not until the expiration of the time allowed for the payment of the whole purchase money.

How much land has been disposed of to the Canada Company?

What is the extent of the establishment of the Surveyor General's office?

A Surveyor General—salary £600. This place is at present occupied by Mr. Sullivan who receives no salary.

Chief Clerk,	£300
Draftsman,	300
Second Clerk,	200
Three Clerks,	175 each.

What is the state of the surveys throughout the Province generally?

Generally speaking, they are very inaccurate. This inaccuracy was produced in the first instance from the deficiency of competent persons, and the carelessness with which the surveys were conducted. Latterly the practice introduced by Sir Pergrine Maitland, in spite of the results being pointed out by the then Surveyor General, of letting out the surveys to any person who was willing to contract for them at a certain quantity of land, produced extreme carelessness and inaccuracy.

The Surveyor just hurried through the township, and of course made surveys which on the ground are found to be very inaccurate.

To such an extent probably that in some townships scarcely a single lot is of the dimensions or positions actually assigned to it on the diagram?

There are instances of this sort.

The consequences of this have, I suppose been confusion and uncertainty in the possession of almost every man, and no small amount of litigation?

Such has been the case. Last Session an Act was passed, authorising the Governor to appoint Commissioners, with power to settle disputed boundaries, which will I hope remedy the inconveniences arising from this source.

Are there not considerable arrears of business in the office of the Surveyor General?

There are a number of entries in the books, such as field notes, commissioners's reports, &c. &c. which require to be made; but the current business of the office is not in arrear. For the last nine years however, the office has not had its full establishment. I have been required to perform the duties of Surveyor General as well as of Chief Clerk, instead of being left to the latter duties only, and there has been no effectual superintendence in the office, owing to the same cause, except during the fifteen months, Mr. Chewett was acting Surveyor General. The office is in the same condition at the present time as the present Surveyor General has other duties to perform which occupy the whole of his time.

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*Richard Hill Thornhill, Esq. Chief Clerk in the Crown Lands Office.*

"What are the duties of the Crown Lands Office ?

The Commissioner of Crown Lands has the superintendance of the sale and management of the Crown Lands of the Province.

Are there any other duties performed by the Commissioner of Crown Lands ?

Yes the duties upon timber throughout the Province are collected and accounted for by the commissioner of crown lands as Surveyor General of Woods and Forests, and the sale and management of clergy reserves, are under the control of the commissioner of crown lands as agent for the sale of clergy reserves.

How long has this office existed ?

Mr. Robinson, the former commissioner, was I believe appointed to this office in 1827, but did not enter upon the duty of his office till April 1828.

Were the three offices created at the same time ?

Yes nearly so.

And vested in the same individual ?

Yes.

Were there separate salaries for the three offices ?

Yes.

What was their amount ?

The Commissioner of Crown Lands £500 sterling, Surveyor General of Woods and Forests £500 sterling, and by an order in Council, as agent for the clergy reserves, £500 currency. The present commissioner of crown lands £500 sterling, as such commissioner, and £500 currency as agent for the sale of clergy reserves, and he performs the duties of Surveyor General of Woods and Forests without salary.

By whom were the duties now discharged by the holder of these three offices previously performed ?

The duties can hardly be said to have had any existence previously. All crown land was previously disposed of by grant, and the whole of this business was managed then, as now, by the Surveyor General. I believe the management of the clergy reserves was previously under the control of a corporation—but these reserves could not be sold.

How long have you held your present office ?

I have been Chief Clerk since 1836, but have been in the office since November, 1828, and performed the duties of chief clerk, for some years previously to receiving that appointment.

Of what does the property of the crown under the control of the commissioner of crown lands consist ?

Such portion of the vacant and ungranted lands of the crown as are from time to time returned by the Surveyor General, as open for sale, together with such of the crown reserves surveyed since 1824, or not made over to the Canada Company, as are similarly returned.

How much has been returned in this manner to the commissioner of crown lands ?

About 300,000 acres.

Of this how much has been sold ?

100,317 acres.

Were there not regulations in force for the sale of crown lands, previous to 1828, when the office for commissioner of crown lands was established ?

I understand there were.

Do you know if any sales of land take place under these regulations ?  
I do not.

By what regulations has the commissioner of crown lands been regulated in the discharge of his duties ?

By instructions issued to Mr. Robinson, the commissioner of crown lands by the Lords of the Treasury, dated 18th July, 1827, a copy of which I beg to hand in.

But have there not been regulations subsequently issued by the Colonial Office for the sale and management of the Crown lands of the Province ?

Yes, in 1831, and subsequently.

Have these regulations been acted on ?

To a certain extent, I believe, they have.

To what extent ?

To the extent of abstaining from the sale of Crown Lands, otherwise than by public auction, except under the sanction of a special order of Council, of selling to emigrants according to the regulations of 1830, which allowed three years for the payment of the first instalment under particular circumstances.

I perceive by the instructions to Mr. Robinson which you have put in that the Commissioner of Crown Lands is directed to ascertain "the nature and particulars of all the Crown property within the Province, under the following heads :—Waste Lands in those districts of the colony which have not heretofore been surveyed or laid out ; Waste Lands in those districts of the colony which have been surveyed and laid out, but no part of which has been granted ; ungranted lands and Crown Reserves in those districts where grants have been made ; lands which have been granted in perpetuity upon payment of quit or other rents ; lands and reserves which have been granted upon leases for series of years, upon reserved rents or otherwise ;"—have these instructions been fully complied with ?

They have not been fully complied with.

The Commissioner is also required by the same instructions "to submit to the Governor or Officer administering the Government, a report of the total quantity of each description of Crown property, within each district of the reserve, so far as he may then have ascertained the same, together with his opinion of the quality of each description of property, which it may be expedient to offer for sale in the ensuing year ;"—has this part of the instructions been complied with ?

No, it has not.

What part of the instructions has then been acted on ?

Except in the particulars referred to in the previous questions, they have been acted upon, except in cases where a departure from them has been sanctioned by the Governor, whose order under the same instructions the Commissioner is bound to obey.

The two particulars then in which these instructions have not been acted upon, appear to be, that the Commissioner of Crown lands has never obtained a return of all the ungranted lands within the colony, and consequently has never reported the same to the Governor ?

I wish to say in answer to this question that partial returns have been obtained from the Surveyor General's Office, of such townships and lands as appear likely to be sought after.

But the quantity of surveyed and ungranted lands is 1,500,000 acres, while the whole amount returned to the Commissioner of Crown Lands as open for sale, amounts only to about 300,000 acres?

Yes, but returns were called for by the present Commissioner of Crown Lands, immediately upon his appointment in 1836, of the quantity of land located upon which the conditions of settlement have not been performed, and which would, therefore, have reverted to the crown, but this return has not yet been furnished; these lands would form most probably the most valuable part of the property of the crown.

But as the present Commissioner of Crown Lands is also Surveyor General, he is calling upon himself for this return, is he not?

The present Commissioner of Crown Lands only received the appointment of Surveyor General on the 20th June, 1838.

By the instructions to Mr. Robinson, it appears that the sale and management of Crown Lands in the Province was placed under his control as Commissioner of Crown Lands; it would seem, however, from your answers, that he had never been Commissioner of Crown Lands, nor assumed the management of more than the 300,000 acres returned to him by the Surveyor General?

No, he did not assume the control of locations of lands remaining unreturned by the Surveyor General, except that as Surveyor General of the Woods and Forests he sold the right to cut timber on them.

But this had nothing to do with the disposal of the land?

No, it had not.

So that in fact the quantity and situation of the land to be put up to sale was determined not by the Commissioner of Crown Lands, and by the Governor, as directed by these instructions, but by the Surveyor General?

The Surveyor General never made any returns, unless specifically called on so to do, and therefore the situation and quantity of land to be put up to sale was determined by the Commissioner of Crown Lands, by whom these returns were called for.

Why then did not the Commissioner of Crown Lands call for a return of the whole?

I cannot say.

But the management of all lands, not included in these returns, remained in the hands of the Surveyor General, who might at any time appropriate the most valuable portions to individuals entitled to free grants of land?

The control of land not having been assumed by the Commissioner of Crown Lands, the Surveyor General was at liberty to locate them to such persons having orders for free grants of land as he thought fit.

What have been the proceedings of the Commissioner of Crown Lands in respect of the land so returned to him?

Agents have been appointed throughout the Province, to carry the public sales into effect; when a sale of waste land took place, notice thereof was given in the Official Gazette, and other papers published in the Province. The purchaser at any such sale was required to pay the first instalment of one-quarter into the office, before he received authority from the office, to take possession of his land. The remainder of the purchase money was required to be paid by three annual instalments, without interest, the patent for such land not issuing until the full amount of purchase money was paid to the Commissioner of Crown Lands.

At what time were the first instalments required to be paid ?

It was required to be paid down.

That is at the time of the auction ?

It was required so to be paid, but was not so paid in all cases, the sale was not considered to be completed until the payment of such instalment.

What proportion do you suppose was paid at the time of auction ?

A very small proportion indeed ; in fact the auction sales were altogether nominal in respect to a considerable number of lots. The persons to whom these lots were knocked down never completed their purchase by the payment of the instalment, such bidders however were not considered as having any right to the lands.

How long a time was allowed to elapse in these cases before the land was considered forfeited and put up to sale again ?

No definite time was fixed by the late commissioner who received the money at his discretion at any distance of time in cases where he considered the parties entitled to such indulgence ; in some other cases it was put up at the next sale, but there was no regularity in this and it did not often happen. Autumn sales generally closed in the month of November, and those of the spring began about May in the ensuing year, and indulgence was always granted by the commissioner for this interval.

But in the mean time the person who had been prevented from purchasing, by being outbid by one of these nominal purchases at a former sale, might have left the country, or have purchased land of private individuals, or determined not to purchase land at all ?

It is possible such might be the case.

And in all cases the land was withheld from settlement during the interval between one sale and another ?

Yes it was.

In the year 1833, interest was required upon instalments after the first, under what authority was this required ?

By authority from the Home Government.

Was this the only change introduced into the system of selling by these instructions ?

It was the only alteration made in this office.

Then the period at which instalments were payable was not altered in any respect ?

Not in any.

Have any steps been taken to prevent the occurrence of inconveniences such as you describe arising from the practice of not requiring the instalment to be paid down ?

Yes upon the appointment of the present commissioner of crown lands, Mr. Sullivan, persons bidding for lands at public auction, were required to pay the instalments into this office within fourteen days from the day of sale, and agents were required to render to this office a return of the land sold at each sale, as soon as the sale was closed. At the expiration of the period of fourteen days, returns were forwarded to the agent in the different districts, of the persons who had complied with this condition, and the agents are directed to offer all lots not included in this return, for sale at the next monthly sale. It having also appeared to the present commissioner, that in certain cases persons not intending to become purchasers, were in the habit of bidding up lots in opposition to individuals having the means and intention of paying for the land, and bringing set-

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ties thereon; the agent was instructed to require payment of the first instalment of the purchase money on the spot, in cases which appeared to him to require such proceedings, and in default thereof the lot was to be put up again, and the bid of that person not received, which precludes the possibility of a bona fide purchaser being disappointed in his attempt to obtain land for settlement. Mr. Sullivan also caused circulars to be prepared, giving notice to persons in arrear, that they would be called upon to pay up the amounts due from them, but he did not issue it, as nothing of the sort had been done by his predecessors, and he was aware that the people of the country were in expectation of some favorable change in the land granting department.

But under the former system, lands in respect of which the first instalment had not been paid before the next sale, were in some cases put up again at that sale. Does the present change therefore effect an improvement, in many cases except those in which the agent may imagine that the bidder has no intention of completing the purchase?

Yes it does, sales were not always made at monthly intervals, and persons who bid off lands were in the habit of considering that they had a claim to such lands; the agents too in most cases did not make immediate returns of the sales, and therefore the further dealing with the parties bidding off was placed in the power of the commissioner, but was kept to a great extent in the hands of the agent, nor was any day fixed within the month, after which the instalment could not be received, all these sources of irregularity are now put an end to.

Why do you return to the agent the number of those who have complied with the conditions of sale by the payment of the purchase money? Because it is so much easier, their number being so much smaller.

What proportion of the purchase of Crown lots are now in arrear?

A very large proportion.

What has been the proportion of Crown Lands sold in each year, since the establishment of this office?

I beg leave to refer to a return furnished from this office on the subject.

Has any part of this land been sold by private contract?

Yes, a small portion of it has been sold under special instructions from the Governor, in cases where it was imagined that the individuals had a right of preemption, owing to their having improved a part of the lot, or in cases of broken lots lying between their farms and water, or a public road, or in other cases which appeared to the Governor to require a deviation from the usual course, and also under the regulations of 1831, to indigent settlers recently arrived in the colony.

How much land has been disposed of in this way?

I am unable to answer this question, as there has been no distinction made in the books of the office between sales by private contract, and sales by public auction.

What proportion of the 100,000 acres sold by the Commissioner of Crown Lands should you suppose has been disposed of in this manner?

Possibly about a tenth.

The remainder has been sold by public auction?

Yes.

Supposing an individual to arrive from England at the present time, desirous of purchasing land, what would be his opportunities of selection. Would he be confined to the land returned to you by the Surveyor Gene.

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not, or would he have choice among all the ungranted lands of the Crown?

He would be confined to the lots named in the land bills issued by this department, and which contain only such lands as are returned by the Surveyor General, unless he happened to learn from friends already settled in the country, that lots not included in these returns were vacant, in which case, on application to this office, reference is made to the Surveyor General's Office, when if such lot prove to be vacant, a requisition would be made that the same might be referred to this department, when the lot would be put up at the ensuing sale.

This proceeding must have involved considerable delay and trouble to the emigrant.

It unquestionably did, but cannot now be remedied until the returns called for by the present Commissioner of Crown Lands are furnished.

But it would never have existed if the instructions of 1827 requiring the Commissioner of Crown Lands to ascertain the nature and particulars of all the crown property within the Province had been acted upon?

Of course it would not; this delay will however be avoided for the future, by the appointment of the Commissioner of Crown Lands to the office of Surveyor General.

But even now after an emigrant has been at the trouble and expence of ascertaining the advantages of any particular lot, he is liable to be overbid for it by a speculator who may be tempted to bid for the lot, because he sees that a bona fide settler is desirous of purchasing it?

This is the case, and it is one of the injurious effects of the system of selling by auction, which, in my opinion, has worked very disadvantageously to the Province, and is not at all calculated to attract emigrants.

Has the system of selling by auction, any effect in increasing the average produce of Crown Lands?

I do not think more is obtained by auction, than would be obtained if the lands were sold at a fair fixed price, and in fact the system of auction has a tendency to deter purchasers, and to diminish the actual revenue derived from this source. I do not know of a single advantage obtained from the system, which might not have been obtained equally by sale at a known fixed price. The system of auction was probably introduced to prevent favoritism, but this might equally have been secured by other means.

And since the establishment of this system, considerably more than a ten-fold quantity of land has been disposed of by free grant, to which no security against favoritism was attached?

So I understand.

Are there any difficulties or delays in the way of obtaining patents for lands for which all the instalments have been paid?

I do not know that there are. A certificate is issued from the office of the Commissioner of Crown Lands, immediately upon the payment of the last instalment, directed to the Surveyor General, upon which the description issues to the Secretary of the Province, where the patent is granted, it is then sent to the office of the Attorney General for the signature of that officer, and is then ready for the signature of the Lieutenant Governor, when the patent is ready for delivery.

How much time is occupied in all these processes?

It is quite uncertain; I have known instances where the party remained in Toronto, and went himself from office to office, it has been completed in one or two days, but in other cases it has remained for a week.

or a month, or perhaps more, according to the business of the different offices at the time.

With ordinary diligence might it be obtained in a week?

Yes, generally.

In the return that has been given in from the Commissioner of Crown Lands Office, the receipts on account of the sale of land, are stated at £33,858, is this the amount that has been actually paid into the hands of the Receiver General?

No it is the gross amount received.

To what deduction is this amount subject?

To the salaries of agents and clerks, and necessary contingent disbursements of the department.

Under what authority are these payments made out of these receipts?

Under that of the instructions of the Lords of the Treasury, put in, in answer to a former question.

Then the whole of this amount, after deducting these items, has been so paid to the Receiver General?

It has been in the case of Mr. Sullivan.

The whole of these sales of crown lands since the appointment of the commission has been made subject to payment by instalment, has it not?

Yes.

What has been the effect of this practice as regards the character and means of those by whom purchases have been made?

No doubt it had a bad effect, inducing persons to purchase land with far less capital and means of improving it, than would have been the case, had the whole amount of the purchase money been required to be paid down, and it has induced persons to purchase whose means were so limited, as to leave them without the means of providing for their families, who have thus been exposed to the greatest hardships for years. The small amount of the instalment, especially in the case of clergy reserves, induces persons of this class to purchase more land than they can conveniently pay for, and they are further encouraged by the knowledge of the fact, that government have never taken any steps to distress persons who have paid one instalment, whether of a fourth, as in the case of the crown, or a tenth as in the case of the clergy reserves, on account of the remainder. I think it would be a considerable improvement to the system, if the price of crown lands was diminished, and the whole of the purchase money was required to be paid down.

Have there not been directions issued from the Colonial Office, directing that the whole of the purchase money should be paid at once?

Yes, such a dispatch was received during the administration of Sir F. B. Head, but it was received during the great commercial pressure in this country, and from that cause as well as others to which I have referred, such as the expectation of the public, that land would be granted upon more advantageous terms than formerly, the commissioner of crown lands was instructed by the Governor not to act upon the regulations until further orders.

The commissioner has the power of fixing the price at which crown lands shall be put up?

He has virtually, but he cannot determine the price at which land shall be sold, as he is compelled to put it up for sale by auction.

Was there not an Act of the Provincial Legislature introducing new regulations for the future disposal of waste lands, the property of the crown?

Yes such an Act was passed in the session of 1837, which was reserved for the royal assent, and to which such assent has been since given, but the same has not gone fully into operation in consequence of instructions received from Lord Durham; it was the less necessary, since the emigration this year has been very trifling, and very few applications indeed have been made for land.

In what way will this Act affect the duties of the commissioner of crown lands?

The principal object of that Act appears to have been to benefit the speculators in U. E. rights, and to curtail the necessary discretionary power which should be vested in the head of a department; the first object was accomplished by authorising the issue of a patent in the name of an assignee, instead of the U. E. Loyalists, as formerly, and also admitting the claim of the assignee to a remission of £10 upon each right in the purchase of public lands, whether crown land or clergy, ordinance, or Indian reserves; it directs the appointment of agents in each district in the Province, however small may be the quantity of public lands in the district, to whom all payments are to be made, and for whose due application of those payments the commissioner of crown lands is made responsible: the securities which they are required to furnish being to him, and not the government.

In what way are the agents to be remunerated?

By a percentage on the sales they may effect.

This would amount to a very small sum, would it not?

Very small.

Then it may be presumed that few persons would be found to take the situation, unless they had claims which they are desirous of locating for themselves or their friends?

I should think this might be a reason in connection with the favor and patronage which an office might give, which would be very great indeed, their powers as defined by the Act, would leave the commissioner of crown lands at Toronto a complete cypher, placing him in the condition of an accountant, bound to audit the accounts of these commissioners to the Provincial Legislature.

What are the duties of the commissioner of Crown lands as agent for the clergy reserves?

To ascertain the value of such lots as are under lease or occupation of individuals and to sell the same upon application of the persons settled there, fixing the upset price to vacant clergy reserves, and selling the same by auction in the district where the lots are situated, receiving the amount of the purchase money, and accounting therefor to the Governor in Council. The principal of the purchase money as it is received, is paid into the military chest, under instructions from Lord Goderich, and the interest is paid to the Receiver General.

Of what do these clergy reserves consist?

As I understand it of one-seventh of the lands in the different surveyed townships in the Province; at least I should judge this from the returns from the Surveyor General's office, which consist of one-seventh of the lands in the surveyed townships.

The reserves are offered for sale under the Act of the Imperial Legislature, are they not?

Yes, they are.

What proportion of them is the Agent for Clergy Reserves authorised to sell?

One-fourth part, or not more than 10,000 acres per annum.

How much has been returned to the agent for Clergy Reserves, as the whole amount of such reserves?

Upwards of 2,350,000 acres.

How much of these has been disposed of in the whole?

466,742 acres up to June last, and 6,343 acres since that time, making 473,105 in the whole.

So that there is at the present time 120,000 acres yet to be disposed of before the amount which the act authorises the agent to sell will be exhausted?

Yes, but there is about 157,000 acres of the total amount given above, which has not yet been surveyed.

In what manner are the reserves sold—by auction or by private contract?

They are sold, the vacant lots by public auction, the leased and improved lots by private contract, to the persons by whom they are occupied, and have been improved, under the authority of an order in Council, the parties so admitted, to purchase, producing documentary evidence of their right to pre-emption.

Of the 166,000 acres sold, what proportion was improved on lease?

I am unable to answer this question, as in the official books no distinction is made between occupied and unoccupied lots, nor between private sales and sales by auction.

What is the total amount for which the lands has been sold?

£317,134 8s. 1d.

How much of this has been received?

£117,555 14s. 7d.

Leaving a balance of £199,578 13s. 6d. still due?

Yes.

Is any difficulty found in collecting the instalments for Clergy Reserves as they become due?

Yes, a great proportion of them has been allowed from the commencement to remain in arrear, and for the last year and a half a greater proportion of arrearages have occurred, owing to the pressure of the time: this will not appear by the accounts of the sums received as given above, but this is accounted for, by the fact that several of the purchasers have paid their purchase money and obtained their land before the instalments became due.

Do you know what is the ultimate disposition of the monies received on this account?

I have understood it is vested in the English funds for the benefit of the Clergy, for whom these reserves are made.

Has not this been as yet practically for the Episcopal Clergy?

I cannot say from my own knowledge, but I have understood so.

And this is the general understanding throughout the Province, is it not?

Yes, it is, as far as I have observed.

Has this appropriation of the whole proceeds of these reserves, produced any, and if any, what feeling adverse to the political tranquility of the Province?

I have reason to believe that it has produced a feeling of jealousy amongst

Do you consider the present method of collecting the revenue from timber the best that could be adopted?

Different methods are pursued in different places. Below the Ottawa the lumberer pays for the quantity of timber named in his license, whatever quantity he may cut. On the Ottawa he pays for the quantity actually cut. This difference arises from the fact, that on the Ottawa the quantity is ascertained by measurement, and that below, the mere statement of the lumberer is received as evidence. The method of payment, according to the quantity ascertained by measurement arose in the following manner. The timber trade of this country had its origin in licenses granted by the crown at home, to contractors for the supply of the navy yard. In order to enable the contractors to fulfil their contracts, they were allowed to cut timber in Canada for nothing, under these licenses. This continued till the year 1824 or 1825. Previous to that, in consequence of their being no superintendence of the crown forests, many private persons in the Province cut timber without a license, and often interfered with the persons who were cutting with a license from the crown at home. This led to complaints from the agents to the contractors, and the Attorney General of Upper Canada finding that the timber had been cut illegally, seized and sold it. This produced great confusion and dissatisfaction, and I was then consulted by the Government of Upper Canada as to the means of putting the trade upon a more satisfactory footing. I recommended that the trade should be made free, by admitting all persons to cut timber upon equal terms, and that the quantity cut should be ascertained and paid for after it had been cut. In consequence of the matter being referred to the home government, the present system was adopted in the year 1835, and the trade thrown open, and it would have been uniform if a superintendence could have been established throughout both Provinces, similar to that adopted on the Ottawa, from whence the greatest part of the timber comes, and where the whole of it must necessarily pass under the eye of the Inspector.

Are you of opinion that the revenue derived from timber in this country might be increased by the adoption of a more extensive system of superintendence?

Yes, I have no doubt that such might be the case.

Do you consider that one of the most efficient means of increasing the demand for Canada timber, would be the opening of a direct water communication between the great timber districts on the Ottawa, by means of the lakes and the new settlements, forming in the north-west by the Americans?

There can be no question of that. It would create an immense trade in that direction. Besides the mere facility of communication for conveying the timber to a new market, the increased facility of obtaining provisions for the great number of lumberers employed, who are now for the most part supplied from the Upper Province, by the way of Montreal would enable the lumberers to sell their produce at a cheaper rate, which is the most efficient means of adding to the demand. There is no part of Upper Canada where provisions are so dear as on the Ottawa, where many thousands of persons are employed in lumbering, and I have no doubt that a direct water communication with the lakes would have the effect of rendering provisions as cheap in the Ottawa district as in any of either Province.

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Honorable Robert Baldwin Sullivan, Member of the Executive Council.

You are, I believe, Commissioner of Crown Lands, Surveyor General of Woods and Forests, Agent for the sale of Clergy Reserves, and Surveyor General?

Yes I am.

These offices are of recent creation?

Yes. Previously to the appointment of Mr. Robinson, the whole business of the land granting department was conducted by the Surveyor General. The office of Commissioner of Crown Lands was then appointed. Then the appointment of Surveyor General of Woods and Forests was made and conferred upon the same gentleman. The duties of this office are principally the collections of duties paid on licenses to cut timber. Shortly afterwards the Act of Parliament, by which the sales of a specified portion of the Clergy Reserves is authorized, was passed, and under that Act Mr. Robinson was properly, I think, as it was a part of the sale of lands, appointed as an agent for the sale of these reserves. Upon his resignation of the offices of Commissioner of Crown Lands and agent for the sale of Clergy Reserves, I was appointed thereto.

What was the salary and emoluments of this office?

The Commissioner of Crown Lands, by his instructions was authorized to receive £500 per annum, and also a percentage upon all sales of crown land effected by him, until the same should have amounted to £1000 per annum. He also receives £500 per annum as agent for the sale of Clergy Reserves. When I obtained the two offices, I was to receive £500, as Commissioner of Crown Lands, without any percentage, and £500 as agent for the sale of Clergy Reserves. I have since been appointed Surveyor General of Woods, and Surveyor General. I perform the same duties in relation to the Indian reservations, without any additional emolument. This consolidation of offices took place partly on account of representations from the Home Government, of the inutility of so many offices to perform what was in most respects the same duty, and partly in consequence of a Report from the House of Assembly.

Under these appointments you have the whole superintendence of the crown property in these Provinces, as regards the sale and location of crown lands, selling of licences to cut timber; and you also have the exclusive management of the sale of clergy reserves?

Yes I have.

By what regulations are you guided in the performance of these duties?

I am guided in the disposal of crown lands by an Act of Provincial Parliament, passed during the last session, by various orders from His Majesty's Government, received from time to time, and by a series of Orders in Council, passed since the first settlement of the Provinces. As agent for the sale of Clergy Reserves, I am guided by the Act of the Provincial Parliament authorizing their sale, and by Orders in Council.

By the instructions given to Mr. Robinson, put in by Mr. Thornhill, the first instalment, an account of the purchase money, is required to be paid down; this practice however has not been generally observed since your appointment, has it?

It has not been followed, because the sales have taken place simultaneously in different parts of the country, and I would not be accountable for the receipts of money by the persons appointed to sell. A reasonable

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time is allowed by me for the payment of the money into this office, upon which an official receipt issues, and I have not treated the parties as acquiring any right until this payment is made. In the few sales which have taken place in town, I have directed the money to be paid on the same day into the office, and have attended myself for the purpose of receiving it in case of any dispute. The Act of Parliament however to which I have referred, relieves me from this difficulty, since it directs payment to be made to the agents who are to give securities.

But does not this Act supercede all other regulations in respect to the sale of crown lands?

Not altogether. It was not the intention of the Parliament, that this should be the case. Certain commissioners had been, I believe, appointed by the House of Assembly of New Brunswick, to negotiate with Her Majesty's Ministers on the subject of the casual and territorial revenue of the Province. A draft of a Bill was made in London with the concurrence of the Home Government, by which all disposition of the crown lands, otherwise than by sale by auction, was declared to be void. This Act was sent out to the Lieutenant Governor of this Province, with directions that the subject should be submitted to the Colonial Legislature, and that they should be invited to legislate upon it, with a view to the relinquishment of the crown revenue to the disposal of the Provincial Parliament. The House of Assembly did not desire to abrogate all rights to land, and pledges of the government in the sweeping way proposed by that Act. They passed the present modified bill, still leaving the claimants upon the government, the enjoyment of their rights, and to the Governor in Council, the discretion given in the Act; at the same time introducing such popular changes in the former system as they thought fit.

But this Act continues the system of sales by auction—are there any particular advantages connected with this system to overbalance the delay and uncertainty which appears to attend it?

The circumstances of the different parts of the Province as locally affected by settlement, and consequent value of land, makes it difficult to give a general answer to this question. When lands are in the immediate neighbourhood of, or surrounded by settlements, much discontent, and many charges of favoritism are avoided by public competition. But this advantage, speaking of it as a general system, is far more than counterbalanced by the delay which takes place in the acquisition of lands by persons desirous of purchasing it, and by the impossibility of selecting, in anticipation, the lands on which individuals desire to settle. In my opinion, were it thought expedient that the local government should be so far trusted, certain lands ought to be open for public competition, and in cases where large quantities of land were for sale, and no competition likely, a certain price should be fixed, at which any person should be able to acquire land on application. It is impossible to advertise all the vacant lands in the Province for sale at one auction, and in any selection that can be made of lands, upon which individuals may have fixed their attention, they are often unavoidably omitted, so that a freedom of choice to settlers is prevented without any advantage to the government, and I know of no instances in which, in the sale of large tracts of land, a greater sum than the upset price has been obtained, however low that upset price may have been. The bidders at these sales generally consider it a duty they owe to each other not to bid up these lands when there is

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General and with the agent for the sale of Clergy Reserves, to treat all this appropriated land as Clergy Reserves?

I find that the practice has been to treat the unspecified as well as the specified as Clergy Reserves.

But the Constitutional Act gives no authority for locating as Clergy Reserves any land that is not specified?

Certainly not. But I think no inconvenience can result from it, as it is a matter which depends upon calculation, and can be settled at any time.

Has any inconvenience been found to result from making these reserves?

The making the Crown and Clergy Reserves has caused the land in many instances to remain vacant, and has added eventually to the greatest evils under which the country has been laboring; that is, the intervention of unsettled lots in the midst of settlement, and the consequent scattering of the population, and increase in the difficulty of providing the means of communication through the country.

There has been an act authorizing the sale of the Clergy Reserves, has that put an end to the evils resulting from this cause?

The Clergy Reserves are very much sought after at present, because of their being interspersed amongst the settlements, and the sale of them so far as it has gone, has tended to remove the evils I have described, but as agent I am restricted to the sale of one-fourth of the Clergy reserves, which one-fourth is now nearly exhausted.

So that the act in question will afford a very incomplete cure for the evils thus occasioned?

Very incomplete indeed.

In this manner, therefore, the reservation of this portion of the land for the support of the Clergy, appears to have been productive of injury to the country, by obstructing its progress in wealth, and wasting the resources of its inhabitants. Has the manner in which the proceeds of these reserves have been appropriated to the support of one church only, produced any, and what feelings adverse to the harmony and tranquility of the Province?

It has produced a great deal of discussion and agitation of late years, both in the Legislature and upon popular feelings, one party have been satisfied with it, and another against it, and both sides have maintained their cause with the violence and heat which always attend discussions, into which religious differences are introduced.

Crown Reserves are, I believe, no longer made?

They are not any longer made in effect, and those which have been made, and have not been disposed of to the Canada Company, have been disposed of, or are open to disposal in the usual way, as other parts of the Crown domain.

Have the evils which you have described as resulting in former times from the Crown, as well as from Clergy reserves, been put an end to, by the sale to the Canada Company, to which you have referred?

So far as the Canada Company have sold their reserves, this has been done.

Are you aware to what extent these sales have been made?

No, I am not.

What effect has been produced by the sale to the Canada Company of these reserves, upon the settlement of the Province?

The effect promised by the justification of the Canada Company was the promotion of emigration and the improvement of the territory ceded to the Company, thus making it fit for settlement, and developing the resources of the Province. The improvement of the territory has not however been promoted in the case of the reserves, because they are scattered as the clergy reserves are throughout the settlements. So that the Company could not be expected, and did not make roads or other communications to them. The sale has consequently been solely one of speculation, the Company purchasing at a very low rate, and selling it at a very great advance. I think that if the lands were to be disposed of by government at a low price, the encouragement to emigration would have been greater had they been so disposed of to individual settlers, and if revenue was the object of sale, the prices which have been obtained for Clergy Reserves will show that this object would have been obtained with a quadruple effect, by a sale to individuals, at what the land would fetch. I think too that the sale of the Crown reserves to the Canada Company has had a mischievous effect upon the grants to officers, who were encouraged to emigrate in the hope of receiving at the hands of government, a place upon which they and their families could reside. The intentions of government have in fact been rendered in a great measure abortive. Had the sale to the Company not taken place these settlers could have been permitted to take locations in the midst of settlement, and in the neighbourhood of schools and places of worship, and they consequently would have resided upon their grants, where their residence would have had a greatly beneficial effect upon the Province. Since the allowance of officers has been changed from grants of a certain number of acres of land without reference to situation or value, to an allowance of a certain amount of value in land, the saving of land to the government would have been very great, inasmuch as instead of receiving 1200 acres in the back woods, at five shillings per acre for £300, he would have been glad to receive in many cases 300 acres of these Crown Reserves at one pound per acre: in the latter case he would have resided upon his grant, and improved the country and increased its resources, while on his present place he is not able to reside, and it remains a wilderness in the way of any effort of the government to improve the neighbouring country. In many cases when officers have attempted settlement in the back country, on these large grants, they have been impoverished and discouraged, and their families placed beyond society, and without any means of education.

Was not an attempt made to found a settlement of officers thus entitled to grants or remission in the neighbourhood of Lake Simco?

Yes, and in other parts of the Province.

What has been the result of these attempts?

In many instances very unfortunate, up to this time the settlers have undergone innumerable privations, from which, however, a better state of things, and inward emigration, may relieve them.

Have not many of these individuals been compelled to abandon their locations?

Those who had the means of purchasing land in the settlements, and who had not exhausted their means in the attempt to settle in the back country have, in a great many instances, purchased land near the Frontier. Those whose means were exhausted by attempts to improve their grants, still continue to struggle against the difficulties of their situation.

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You have stated that increased emigration might relieve individuals thus circumstanced from the difficulties of their present position—what means are there at the disposal of government to encourage or promote such emigration at the present time?

The question of the appropriation of the hereditary revenue of the Crown, has caused the cessation of all outlay for this purpose, and left the government without funds at its disposal, either to encourage emigration or to make the country fit for settlement on the arrival of emigrants. When settlement was confined to the Frontier along the banks of navigable rivers, or on the shores of the lakes, the intervention of government to form or to maintain the means of communication was not necessary, but now that settlers have to go into the back country, it is in the highest degree necessary that this should be done.

But as one of the chief inducements to emigrate is the hope of obtaining land, and as there does not appear to be more than about 1,000,000 acres, and that chiefly of inferior land at the disposal of government, the Crown is deprived of the principal means of encouraging emigration?

In addition to the 1,000,000 acres in the surveyed districts, there are about 3,000,000 acres of very superior land, well situated for settlement, the Indian possession of which has been recently relinquished to the government.

But even with this acquisition, the quantity of land at the disposal of government, is not equal to half the waste land in the Province, the property of private individuals?

In addition to this, however, there is, I believe a very large amount of land in the Province which has been located since the early settlement of the Province, but which has not been patented, and which either never has been settled, or the settlement of which has been abandoned, and which has consequently reverted to the Crown. As respects the lands in the hands of individuals, they are to be obtained upon very low terms, perhaps quite as low as the Government would be disposed to sell their lands, so that the inducement to emigration may be more easily ascertained by a comparison of the actual population of the Province, with its superficial extent, considering the Province as generally fertile as far north as the latitude of Quebec, than by any comparison with the actual surveyed townships, or the lots of land still in the hands of government.

Have the Casual and Territorial Revenues, including the entire produce of the sales of land been given up to the Provincial Legislature?

They have been offered to the Provincial Legislature, on condition of its providing a permanent Civil List. This condition has not however been complied with, the question still remains open.

If this offer had been accepted, the home government could have had at its disposal no means of improving the country?

The government would have had no means, independently of the Legislature, and the unpeopled part of the country not being represented in parliament, the probability is that the improvement of the back country would be almost neglected. It has always appeared to me that the legitimate means for the improvement of the Crown domain are the revenues produced by its disposal. I think it might be more advantageously employed in this manner than by any appropriation for general purposes.

*Anthony Bowden Hawke, Esqr. Chief Agent for Emigrants in Upper Canada.*

What have been your opportunities of becoming acquainted with the circumstances affecting the employment and settlement of emigrants in Upper Canada?

I have resided in the Canadas for nearly twenty-two years, and have held the situation of Chief Agent for Emigrants since 1833. I have also been a magistrate during the last twelve years. I have consequently been brought a great deal in communication with the people of the country; since I have been Chief Agent, we have opened and actually settled twenty-three townships.

What is the nature of your duties as Emigrant Agent?

To furnish emigrants with information as to routes, distances, and rates of conveyance to different parts of the province; to point out the Crown lands offered for sale in the several districts, to furnish free passage, and assistance to indigent and pauper emigrants, and to enable them to proceed to places where they can obtain work, and when employment is scarce, to occupy them in opening roads, clearing lands, erecting shanties, &c. I have also to correspond with, and issue instructions to the local agents who have charge of the different settlements, and to examine and report upon their accounts.

What have been the numbers of emigrants arriving in this Province, since the year 1829?

The numbers that have arrived in Quebec have been in the year

1829	15945
1830	28000
1831	50254
1832	51746
1833	21752
1834	30935
1835	42527
1836	27728
1837	21500
1838	2702

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263089

making a total of 263089. Of these 175300, or two-thirds came to Upper Canada.

What were in general the character and circumstances of these emigrants?

The emigrants may be divided into three classes, those who are possessed of capital; those who are in indigent circumstances, but have emigrated on their own means; and the pauper emigrants who are sent out by their parishes. In the year 1832, 53 and 31, a considerable portion of the emigrants consisted of the first class; since 1834, the number of emigrants possessed of capital, has been very inconsiderable, and the emigrants have consisted almost entirely of the two latter classes. In 1834 the proportion of pauper emigrants were one-eleventh, in 1835, one-eighth, in 1836, one-fifth, in 1837 about two-sevenths.

For what proportion of the emigrants have you found employment?

It would be extremely difficult to answer this question, but probably

it has never exceeded one-twentieth, and these have generally been those who have arrived late in the fall after the harvest.

In what manner have the remainder found employment ?

A small portion have found employment in the public works, but the great majority have been engaged by the farmers and mechanics through the Province.

What funds have you at your disposal for forwarding and relieving emigrants, and for the employment of those emigrants who cannot obtain employment from private individuals in the Province ?

The Government is empowered by a despatch from the Secretary of State for the Colonies, to expend out of the Casual and Territorial revenue, the sum of £5000 sterling per annum for these purposes.

What amount has been actually expended in each year under the authority of this despatch ?

In 1831, the expenditure amounted to £5720 currency, in 1832, to £18320. During these two years the emigrant department was under the superintendence of the Commissioner of Crown Lands ; in 1833, I was appointed Agent for Emigrants, and the expenditure has since been as follows :

In 1833	£2686
1834	4530
1835	4743
1836	2720
1837	2973

In what manner was the large expenditure of 1832 produced ?

In consequence of the appearance of Asiatic Cholera, the people of the country were afraid to employ emigrants, as they supposed the disease to be contagious, consequently the Government was obliged to find work for them at the public expense ; it was also needful to erect hospitals for the reception of the sick who were very numerous, and this formed a considerable item in the year's expenditure.

As a general rule, however, I understand from you that the emigrant labourer finds little difficulty in procuring employment ?

There is generally very little difficulty, except with those who arrive late in the fall, more difficulty was experienced last year in consequence of the derangement of the monetary system of the colony.

In what state as to health, have the emigrants generally been on their arrival in the Province ?

Emigrants who enter the Province by the way of the St. Lawrence, in consequence of being exposed in open boats, are frequently indisposed on their arrival at Prescott, where, however, there is a hospital provided for their reception ; the proportion, however, of those who are so indisposed is small ; the expenses of last year at Prescott, Kingston, Hamilton, and Toronto, for medicine, medical attendance, and comforts for sick emigrants, did not amount to more than £250, for an emigration of upwards of 21,000 persons, the majority of whom were in indigent circumstances.

Of the emigrants who have arrived in the Province during the last ten years, what proportion do you suppose have remained ?

I should say, at least three-fourths ; of the remaining fourth a great proportion have probably settled in the States, and some have returned home ; the public works which are constantly being carried on in the United States, offer considerable inducements to a certain class of emigrants.

How long do these indigent emigrants to whom you have referred, generally remain in the condition of laborers ?

With the more prudent of them it generally happens that in the course of two or three years they have money enough to pay the first instalment, on a Government or Canada Company lot, or to purchase a small quantity of land of some private person ; this is the course generally pursued by those who are not settled in towns or employed on public works.

You say that many of these emigrants contrive to pay an instalment on a Government or Canada Company lot—what proportion of the whole purchase money does this instalment generally form ?

Crown lands and lands belonging to the Canada Company, are sold upon the following conditions, viz : one-fourth of the purchase money is required to be paid down, and the remainder with interest in three annual instalments, on Clergy lands one-tenth is required to be paid down, and the remainder in nine annual instalments with the interest.

What prospect do you conceive that an emigrant labourer who has purchased in this manner, has of paying the remaining instalments out of the produce of his farm ?

My attention has been most particularly directed to the settlers who purchase of Government, and it is my opinion very few persons of this class succeed in paying the remaining instalments ; I might mention as an instance of the effects produced by the method of taking payment by instalments, that in 1832, a number of settlers who had been sent out by the Portworth Committee were located in Adelaide and Warwick, on 100 acres of land each, which was valued at ten shillings per acre, they were to pay the first instalment in three years with interest ; provisions and implements were furnished by the Government, for which acknowledgements were taken, in which they engaged to repay the amount before receiving the patent of their lands ; there has not been a single instance in which they have fulfilled their engagements from their labor on the produce of their lands ; there have only been two instances in which any payment has been made, in these cases the individuals have sold their improvements to wealthier settlers. In the Bathurst district a number of indigent settlers were located upon free grants of lands, to whom the Government made advances of provisions and implements, taking acknowledgements of the amount thus advanced, if a whole of this sum amounting to nearly £20,000, currency, has been abandoned by Government ; and not to dwell upon these, perhaps exceptional instances, I believe that in fact a very large proportion of those who have purchased lands of Government have not paid their instalments as they became due.

Do you know if any means have been adopted to enforce the payment of such arrears ?

I believe not in a single instance.

The individuals who purchase land in this manner, and have paid only the first instalment, have not however obtained a satisfactory title to their land ?

They have not, the deed never issues until the whole of the instalments, with the interest has been paid up.

Are sales of property thus circumstanced recognized by Government ?

Under an Act of the last Session of the Provincial Parliament, a transaction of these rights has been authorized.

These settlers however, although hitherto permitted to remain upon their lands, are of course liable to be ejected at any moment by the Government.

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vernment, and can have no security from year to year, that this may not  
 be done, in which case they would necessarily lose the benefit of their  
 labor ?

They are so circumstanced,

What effect does this state of uncertainty as to the ultimate enjoyment  
 of the fruits of his labor produce upon a settler ?

It naturally has, in many instances, a most disheartening operation,  
 especially in the case of the poor settlers ; as an individual of this class  
 finds the instalments with interest accumulating on him, he is apt to  
 despair of ever being able to pay for the land, and is induced in many  
 instances to abandon his improvements or sell them for a trifling con-  
 sideration ; another disadvantage which appears to me to result from  
 this plan of selling by instalments, is the creation of a class of national  
 debtors.

Then you imagine that the plan of selling lands by instalments, and  
 thus encouraging individuals prematurely to become settlers, is neither  
 beneficial to the individual nor to the Province ?

Yes that is my opinion, I think it has the effect of converting a num-  
 ber of useful laborers into indigent and useless farmers, who, from want  
 of capital are unable to bring their land into cultivation.

In addition to the difficulties under which these individuals labor from  
 want of capital, are there no other difficulties arising from the manner  
 in which the lands in the Province have been disposed of by the Govern-  
 ment ?

There are many other difficulties.

Will you be so good as to describe the nature of these difficulties ?

The principal evils to which settlers in a new township are subject,  
 result from the scantiness of population ; a township contains 60,000  
 acres of land, one-seventh is reserved for the Clergy, one-seventh for the  
 Crown, consequently five-sevenths remain for the disposal of Govern-  
 ment, a large proportion of which is taken up by grants of U. E. Loyal-  
 ists, militiamen, officers and others ; the far greater part of these grants  
 remain in an unimproved state, these blocks of wild land, place the  
 actual settler in an almost hopeless condition, he can hardly expect dur-  
 ing his lifetime to see his neighbourhood contain a population sufficiently  
 dense to support mills, schools, post offices, places of worship, markets  
 or shops, and without these civilization retrogrades. Roads under such  
 circumstances can neither be opened by the settlers, nor kept in proper  
 repair, even if made by Government ; the inconvenience arising from want  
 of roads is very great, and will be best illustrated by an instance which  
 came under my own observation in 1834. I met a settler from the town-  
 ship of Warwick, on the Carradoc Plains. returning from the grist mill,  
 at Westminster with the flour and bran of thirteen bushels of wheat, he had  
 a yoke of oxen and a horse attached to his waggon, and had been absent  
 nine days, and did not expect to reach home until the following evening ;  
 light as his load was, he assured me that he had to unload wholly or in  
 part several times, and after diving his waggon through the swamps,  
 to pick out a road through the woods where the swamps or gullies were  
 fordable, and to carry the bags on his back and replace them in the  
 waggon ; supposing the services of the man and his team to be worth  
 two dollars per day, the expense of transport would be twenty dollars ;  
 as the freight of wheat from Toronto to Liverpool is rather less than  
 2s. 6d. per bushel, it follows that a person living in this city could get

THE CANADIAN ARCHIVE



the same wheat ground on the banks of the Mersey, and the flour and bran returned to him at a much less expense than he could transport it from the rear of Warwick to Westminster and back, a distance less than ninety miles. Since 1834 a grist mill has been built in Adelhide the adjoining township, which is a great advantage to the Warwick settlers, but the people in many parts of the Province still suffer great inconvenience for the same cause.

The instance which you have just related is, I suppose, an illustration of an evil of every day occurrence, though not so often to the extent?

Yes, the evil is universally complained of in all newly settled parts of the country.

Which comprises probably the greater part of the Province?

I should imagine two-thirds of the surveyed townships, are subject to this evil.

This is, however, an evil for which you, under the circumstances you have detailed, of the chief part of the land having been placed beyond the disposal or control of the Crown, Government can at present afford no adequate remedy?

It has been suggested that if the *statute labor* was commuted for a money payment, a sufficient fund might be raised to put the leading roads in the Province in a good state of repair.

Would this be sufficient to provide an effectual remedy to the evil?

I should apprehend not, in the new townships, the population is not sufficiently dense to keep them in good order.

And even if this were done, only one class of the evils which you have described, namely, those resulting from a want of the means of communication would be remedied, and the settlers would still be without the means of education for their children, as well as without post-offices, markets, &c.?

I am of opinion that the improvement of the roads would induce many persons to settle on new lands, provided the private individuals to whom the lands belong, would sell them at a reasonable rate.

You have stated that part of your duties as Emigrant Agent, is to point out to emigrants the Crown lands offered for sale in the several districts, from what source do you derive your information on this subject?

From the diagrams and maps in the Surveyor General's Office, and the reports of the Surveyors. I also generally give the parties letters of introduction to the resident Agent for the district, where he wishes to settle.

Are there any complaints of difficulties experienced by emigrants in the selection and acquisition of Crown lands?

Yes, but most of them are inseparable, from the situation of the lands offered for sale by the Government; the person wishing to purchase is generally compelled to take a guide who is accustomed to the wilderness to point out the lots, but after he has selected the lot, he frequently finds himself outbid at the public auction; this, however, refers to the system before the recent Act of the Provincial Parliament, for the disposal of public lands.

Amongst the emigrants to this Province, has there not been a considerable number of commuted pensioners?

Yes.

What was the actual number?

I am unable to give a precise answer to this question, as they are classed by the Surveyor General's Office, under the general head of *Discharged*

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settlers; but from the best information I have been able to collect, upwards of eight hundred came to the Province in 1832 and 1833.

What proportion of these do you suppose have settled upon the lands assigned to them by Government?

The major part of them took possession of their lands, but very few continued to occupy them, and even those who continued to reside upon their lands are constantly petitioning Government for assistance, as they are not able to raise sufficient grain to support themselves.

Those who have not settled upon their lands, have, I presume, in most instances sold their grants?

When they succeed in obtaining a patent for their land they generally do it.

Will you describe generally the condition and ultimate fate of these individuals?

The plan which the Government pursued with regard to these individuals was to give them a certain amount in money, and a specified quantity of land; one half of the money was paid to them in England and the remainder in Quebec or Montreal: with scarcely an exception, all those who arrived in this Province had spent the whole of their money, and were in a state of the greatest destitution; they were sent to their lands at the expense of Government, or employment was offered them for six or eight months; as the expense however could not be continued, it was put a stop to, and a great number abandoned their lots and repaired to the town, followed by their families, where many of them continued to reside, and procure a precarious living by begging and other less creditable means. In order to relieve this city, I was directed by Sir John Colborne, in 1834, to send upwards of forty persons of this class, with their families, to Pentanguishine, where they received rations, in the expectation that the time would arrive when they would be able to provide for their own wants; more or less assistance has been granted every year since their landing in Canada, and so far are they from having bettered their condition, that the necessity of relieving them is as imperative as ever, their distressed situation is to be attributed to their habits and infirmities, they are not able to bring their grants of lands into cultivation to an extent that will supply them with food, or able to earn their bread as laborers, while their habits preclude the possibility of employing them as domestic servants, they are with very few exceptions a burthen to the country.

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THE CANADIAN ARCHIVE

Charles Rankin, Esq. Deputy Land Surveyor.

How long have you been practising Land Surveyor in this Province ?  
Since 1820.

During that period you must have had many opportunities of observing the system of disposing of waste lands, the property of the Crown ?  
I have.

Will you describe the general results of that system so far as you have had an opportunity of observing ?

The system of making large grants to individuals who had no intention of settling them has tended to retard the prosperity of the colony, by separating the actual settlers, and rendering it so much more difficult, and in some cases impossible for them to make the necessary roads. It has also made the markets more distant and more precarious. To such an extent have these difficulties been experienced as to occasion the abandonment of settlements which had been formed. I may mention an instance of this, the township Rama, where, after a trial of three years, the settlers were compelled to abandon their improvements. It should be noticed, that the settlers in this instance were not of a class fitted to encounter the privations of the wilderness, being half pay officers. In the township of St. Vincent, almost all the most valuable settlers have left their farms from the same cause, the township of Nattawasaga and Collingwood, the whole of the land in which had been granted, and which are almost entirely unsettled (Collingwood I believe has only one settler) intervening between them and the settled township, and rendering communication impossible. There have been numerous instances in which, though the settlement has not been altogether abandoned, the most valuable settlers, after unavailing struggles of several years with the difficulties which I have described, have left their farms.

You were at one time Deputy Surveyor, employed in the Western district ?

Yes, I was for ten years.

What, in your opinion is the proportion of land in that district granted by the Crown, now occupied by actual settlers ?

I should imagine one tenth.

Then the remaining nine-tenths are still in a state of wilderness ?

Yes, necessarily.

Of course the roads through this district must necessarily be very inadequate to the wants of the people ?

Yes exceedingly so ; the resource of the settlers are altogether inadequate to the making of roads, and there is no public provision for making them.

Do you know if in this district the Crown has any large quantity of land yet remaining at its disposal ?

I believe it has very little.

Then the Crown has no means at present of locating actual settlers in this district, and thus of removing the difficulties complained of by those who are settled there ?

No it has not. It appears to me that the remedy is in the hands of the Legislature, by imposing a tax on wild lands.

But there is a tax upon wild lands, is there not ?

Yes, but so trifling as to be quite insufficient for making grants, especially in the absence of statute labor. The tax upon settled land is higher

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upon the tax upon wild land, and in addition to this the settler has to perform statute labor upon the roads, from which the owner of wild land is altogether exempt.

Are the proprietors of this unsettled land, residents in the Province?

They are generally residents in the Province, and to a great extent Members of the Assembly or Legislative Council, which, perhaps, affords a sufficient explanation of the continuance of those evils, without effectual means being adopted for their removal.

Are the present holders of this wild land, the original grantees of the Crown?

In very few instances. They are generally persons who have purchased the claims of the U. E. Loyalists and others, and now possess in many instances tracts of upwards of ten thousand acres; I believe in some instances forty thousand acres.

But do not these individuals make any effort for the improvement and settlement of their property?

I know of only one instance in which this has been done, and that to a limited extent. They generally hold for sale, but at prices, that under the circumstances, it is unfair to expect a settler can pay.

Do they then ask higher prices than those at which land is sold by Government?

In general they do not; but an individual purchasing of Government knows the Government land will be open to settlement on the same terms as those on which he has purchased, while in the case of private individuals he has no security that it will be open for settlement at all, and he is assured that the price will be raised in proportion as the settlement increases; in fact his settling upon the land will induce the proprietor to put a higher price upon the adjoining lots, and thus will even tend to retard the settlement of the tracts.

Are there no other obstacles to the settlement of the Province, than those arising from large tracts of wild land held by individuals?

Yes; the plan of apportioning Crown and Clergy Reserves on the different settlements, by intermixing them with the lots opened for settlement, and thereby separating the settlers, has caused injuries of precisely the same description as those to which I have alluded, as being occasioned by grants to individuals.

THE UNIVERSITY OF TORONTO LIBRARY

William Warren Laddwin, Esq. M. D. formerly M. P. P.

How long have you resided in this country?

Nearly forty years, I came into the Province in 1799.

During your long residence in this Province, you have had many opportunities of observing the various systems pursued in the disposal of the waste lands in the Province?

I have no official knowledge on the subject but from the occurrences of the times as they have presented themselves to my notice, I have had those opportunities.

Did not the Government at one time offer to grant whole townships to individuals who would undertake the settlement of them?

Yes they did.

Will you describe the proceedings that took place in consequence of those offers, and the result which they produced, as far as they came under your knowledge?

The only townships that I recollect as having been assigned in this manner, were those of Markham, Whitby, Howe and Cramahé; the township of Markham was assigned to Mr. Berezy, on condition of bringing sixty heads of families and settling them in the townships. The township contained, I believe, about 60,000 acres. Mr. Berezy brought in his settlers, as he informed me, but after having done so, the Provincial Government, considered that this township system was an unwise method of granting land out, and not only refrained from making any more grants for the future, but also determined to rescind the orders in Council in favor of the township nominees. I believe all these nominees, with the exception of Mr. Berezy (who refused it as inadequate to his losses) accepted the compromise offered by the Government, which was, as I understand, 1200 acres for themselves, and the same to the several members of their families. Mr. Berezy has informed me, that in the formation of the settlement he had expended 60,000 dollars, the whole of which was necessarily a total loss. Some other individuals made great exertions to settle the townships assigned to them, and the result of this township system was to forward the settlement of the country.

When this township system was abandoned, what system was substituted in its place?

I believe the power of granting land was vested in the Governor in Council, and that they gave lands to almost every body who applied for them, without any condition beyond that of paying fees upon a verbal statement, that they were going to live in the country.

Was this statement I presume only required from emigrants?

No, from those who resided in the country, no conditions whatever were required.

The greater part of these grants were made to persons who did not settle on their lands?

I cannot give any accurate answer to this question, but I presume it was so.

When an emigrant arrived in this country, did he find any difficulty in the selection of his land?

I have frequently heard that individuals did find great difficulty in the selection of their locations, and I can say for myself, in the location of the 1200 acres granted me by an order in Council, I was compelled to wait for many years for the completion of my location, in the hopes of

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and Clergy Reserves, and of large tracts of granted, but unoccupied land. The Crown Reserves have been sold to the Canada Company.

Do you know if the evils that were formerly experienced from them, have been in any way diminished in consequence of the means adopted by that Company?

Of late years I have heard no complaints of Crown Reserves, and therefore would presume, that being blended with the Canada Company's land, they are included in whatever sentiment is expressed in reference to the proceedings of that Company.

The Clergy reserves still remain—what effect have they produced upon the prosperity of the country?

A very injurious effect indeed; they have not only retarded in the way I have observed, the settlement of the country, but they form an enduring subject of complaint, not only with regard to the agricultural interests of the country, but also to its political relations, so far as I have an opportunity of observing, no cause was more influential in producing the discontent, which ended in the last rebellion, than the existence of these reserves, and this was aggravated by the establishment of the Rectories. There will be no public tranquility nor confidence in the British Government as long as these Rectories are upheld, and the reserves appropriated to the support of one Church only. I do not believe that any appropriation of those reserves, which did not include every class of the community, would restore peace to the country. The apparent general wish of the community at large is, that they may be devoted to purposes of education.

You have referred in your answer to previous questions to the feeling entertained with regard to the Canada Company—what is the nature of the feeling?

It was felt in the first instance to be a violation of the rights of the Provincial Legislature, that the Imperial Parliament should have vested so large a portion of the lands in the hands of a Company over which neither the Provincial Legislature nor the Provincial Courts have any power. I believe the inconveniences which have been felt from the latter cause, have been removed by an act under the authority, of which the Company can be sued in the Provincial Courts.

Have there been any complaints that the power given to the Canada Land Company, by intrusting them with the superintendence, and with the settlement of 2,000,000 acres of land, has been exercised in a manner injurious to the Colony?

I do not know if such complaints have been made, but I am myself of opinion, and I believe it is an opinion which prevails extensively, that a Company which has obtained so large a tract of country, from the sale of which it is to derive profit, but in the improvement of which, as I understood, it has expended no money of its own, cannot be otherwise than injurious to the country, by taking from it large sums of money, for which it has given no consideration.

George's occupied land

What has been the result of the Crown's land, and there, with the Company's land, since the Government's settlement who have made it, and been the cause of distress, by the small progress, proved to the Government, considered the grants, considered were there remaining, ed to the feeling by the nature of these grants, has among which neither proved in power, I believe Very large have the inclination and it has

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THE CANADIAN ARCHIVES

George Emory Newton, Esq. M. P. P.

What have been your opportunities of observing the effects of the plans pursued by Government in the disposal of the waste lands, the property of the Crown in this Colony?

I have resided in the Province, thirty years, I have a great deal to do with the lands of the Province, and am a large landholder myself.

What in your opinion has been the operation of the system pursued by the Government in the disposal of wild lands?

I think, that without any doubt, it has retarded very materially the settlement of the country; the plan of granting large tracts to gentlemen who have neither the muscular strength to go into the wilderness to cultivate it, nor perhaps the pecuniary means to improve their grant, has been the means of a large part of the country remaining in a state of wilderness. I think the system of granting land to the children of U. E. Loyalists has not been productive of the benefit expected from it, a very small proportion of the land granted to them has been occupied or improved from the following reasons, viz: a great proportion of such grants were to unmarried females, who very readily disposed of them for a small consideration, frequently from £2 to £5 for a grant of two hundred acres; the grants made to young men were also frequently sold for a very small consideration, they generally had parents with whom they lived, and were therefore not disposed to move to their grants of land, but preferred remaining with their families. I do not think one-tenth of the land granted to the sons and daughters of the U. E. Loyalists, has been occupied by the persons to whom they were granted, and in a great proportion of cases not occupied at all. Many persons have purchased very largely of these grants, I know of two instances in particular, where the purchase has amounted to twenty thousand acres. Grants to officers and soldiers, although intended as a benefit to the parties, have in many instances proved injurious to the country, as well as to the parties themselves. Very large grants have been made sometimes to officers, who had neither the inclination nor the means to settle upon their grant, or improve it, and it has either remained a wilderness in the hands of the original grantee for a great number of years, or has been sold for a trifle, and still remains a wilderness. The officers of the navy have in most instances proved valuable settlers, being better adapted to the improvement of land than officers of the army; the grants to officers have invariably been by an order from Home, by the late alteration in the law they have had the alternative of purchasing land from the Crown, on which they are entitled to a remission of purchase money according to their rank, or they may transfer their claim to the amount of remission money to some one else who may purchase land from the Crown, to the amount; in cases where they do not intend to settle upon the land, the latter has been a beneficial alteration, both to themselves and the country, as the Government saves so much land which would otherwise have passed out of its control, and would, probably, have remained altogether unimproved. The grants to privates has been particularly disadvantageous to the Colony, a great proportion of them were pensioners and infirm, and altogether unsuited to settle upon wild lands; they received in England four years pension, and a grant of one hundred acres on their arrival in this country; the greatest part of the money was spent in coming, and the land was in most instances of no use to them, as they were incapable of tilling it. Grants

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of land have also been made to Clergymen, Lawyers, Surveyors, and other gentlemen, who had no intention of becoming settlers on it. Also in many instances large tracts have been granted to individuals who have contracted for surveys of townships, as a remuneration for surveying, which, in most instances, has remained a wilderness.

By all these methods I suppose it has happened that a very large proportion of the lands of the Province are now in the hands of individuals, who have made no improvement on them?

That is the case.

What effect do you suppose is produced upon the prosperity of the Province, by this state of things?

I think I stated before that the settlement of the Province has been very much retarded, and I also think we shall not have good roads or settlements in the Province, unless some measure is devised by which the proprietors of unoccupied lands should contribute more in the way of assessment upon their lands to the revenue of the country. I think the present assessment is a great deal too low, and might with great justice to the land-holders be increased.

You contemplate, I suppose, that the produce of such increased tax, should be specially applied to the improvement of the country, by opening roads, and increasing the means of communication?

I do; I think also in connection with such a measure that it is very desirable to have a commutation of statute labor upon roads, which with the other funds just mentioned, would afford ample means for making good roads. It is discouraging to British emigrants coming to the country, and visiting their friends in the interior of it, to find the roads so exceedingly bad and even dangerous, and this alone sometimes deters them from settling in the country.

And I suppose it would be in a high degree unwise on the part of such emigrants, to settle in some parts of the interior, on account of the impossibility, under the present system, of having good roads?

I think so.

In addition to the land which has been granted to private individuals, and which remains in a state of wilderness, there has been large appropriations for public purposes, such as the support of the Protestant Clergy, and the endowment of the university and schools; have you any idea whether any, and what proportion of the land thus appropriated has been improved?

I think nearly all the Clergy reserves in the settled parts of the country have been taken up and improved.

These however have been sold, have they not, under the Act authorizing the sale of a portion of the Clergy Reserves?

A large portion of these have; some are now under lease. A large proportion of the lands granted for the universities have also been sold, and are now in the course of improvement. The terms adopted, both for the sale of the Clergy Reserves and university lands, seem favorable to intending settlers, many of them have been purchased by emigrants from the mother country. I do not consider that the Clergy lands or university lands have impeded the settlement of the country, inasmuch as they have been purchased or leased when sought after, and have afforded to the British emigrant frequently an opportunity of procuring a lot of land in a settled part of the country near their friends, when otherwise they

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I think nearly all the Clergy reserves in the settled parts of the country have been taken up and improved.

These however have been sold, have they not, under the Act authorizing the sale of a portion of the Clergy Reserves?

A large portion of these have; some are now under lease. A large proportion of the lands granted for the universities have also been sold, and are now in the course of improvement. The terms adopted, both for the sale of the Clergy Reserves and university lands, seem favorable to intending settlers, many of them have been purchased by emigrants from the mother country. I do not consider that the Clergy lands or university lands have impeded the settlement of the country, inasmuch as they have been purchased or leased when sought after, and have afforded to the British emigrant frequently an opportunity of procuring a lot of land in a settled part of the country near their friends, when otherwise they

LONDON: PRINTED BY RICHARD CLAY AND COMPANY, BUNGAY, SUFFOLK.

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... have been discouraged by the prospect of going into the wilderness,  
and abandoned the country.

But in order that this result should be produced, the lot in question  
must have previously been reserved from settlement?

Though reserved, it was frequently occupied under lease, and persons  
holding lands under lease, generally disposed of their interest in it upon  
more advantageous terms than land could be obtained from other indi-  
viduals. Land generally reserved for the Clergy and university, could  
be obtained with more facility than land granted by the Crown to private  
individuals, not under cultivation. Land can be obtained from the uni-  
versity with greater facility than either from the Crown or private indi-  
viduals.

What effect do you suppose has been produced upon the settlement and  
prosperity of the country by the disputes which have arisen between the  
different religious sects in the country, as to the appropriation of the pro-  
ceeds of the Clergy Reserves?

One effect has been great injury to the Church of England. I do not  
think that emigrants coming out from the mother country, know any  
thing of the subject before their arrival in the country, or are influenced  
in any way in determining to settle in the country by this question. I  
think a great deal of the ill feeling has arisen from bad management, in  
many instances the rents of these reserves have been lost, there has  
been no efficient management, no one of late years seems to have had the  
control of them.

Has not the system of free grants of land, the effect of which you have  
described been abandoned, and a system of sale substituted in its place?

Land is no longer granted to private individuals, having no particular  
claim, such as that of officers and the U. E. Loyalists.

Then all those who have such particular claim can obtain lands upon  
the same terms as formerly?

They can substantially, though there has been an alteration in this  
respect, viz: officers are now entitled to a remission of purchase money  
in proportion to their rank, instead of a grant of land, and the children  
of the U. E. Loyalists, instead of taking their grants of land, may trans-  
fer their right to another person, and such person purchasing land of the  
Crown is entitled to a credit of £40 for every claim.

But with these exceptions no land can be obtained without purchase?

No, it cannot.

Are the present regulations for the sale of Crown lands, in your opin-  
ion, calculated to advance the settlement of the country?

I think that the present regulations are an improvement on the old  
system. I have formerly heard numerous complaints of the delay in ob-  
taining land from the Crown, there was a great deal of expense and diffi-  
culty in ascertaining what land was open to purchase; they had to apply  
to various officers—if a Clergy reserve they had to apply to the Surveyor  
General's Office, and the Office of the Corporation, as well as the Com-  
missioner of Crown Lands; and frequently on being informed that a lot  
was vacant, and after inspecting it, they have discovered there was some  
insuperable difficulties to obtaining it, and had to look out for another  
lot, or purchase of an individual. Formerly at the sale of Crown Lands  
only particular lots were set up, so that many lots which might be vacant  
were not offered for sale. There was also formerly both delay and  
expence in obtaining a title to land purchased of the Crown; it was

THE IMMUNITY AND PROBAB.



*Henry Hyndman, Esq. of the township of Colborne, in the county of Huron, London District.*

How long have you resided in this country ?

I arrived in May 1834, and immediately proceeded to Goderich, and from there to my present residence, which is within three miles of the town, and in the heart of the Canada Company's Huron tract.

Have you any particulars to communicate to this commission as to the manner in which the Canada Company have settled their lands, and the effect produced upon the prosperity of the settlers by their proceedings ?

I conceive that the management of the Company is not of a description to induce settlers to come to their lands, and that it has inaterially retarded the prosperity of the country and its advance in population ; their agents do not conceal their opinion that the old settlers are not the object of the Company's solicitude, but that their great business is to attract new ones, and they act upon this principle in what appears to me the most unjustifiable manner. Induced by the representations contained in the publication issued by the Company, and by the statements of the agents, I took land from the Canada Company in 1834, and purchased eight hundred acres of land in one block, upon which I am now settled, but I have found that the promises and inducements held out by their agents, their advertisements and their publications, are very far beyond the reality. The land that I purchased, was to the north of the river Maitland, on the south bank of which is situate the town of Goderich. On the plan which was shown to me by the Company's agent, the original of which is deposited in the Surveyor General's office, there was laid down a bridge across the Maitland, and various lines of road and it was generally understood among the residents in the neighbourhood, upon the faith of this plan, and asserted by the officers of the Canada Company, that the bridge in question would be built, or at least commenced, in the course of that summer. Fully impressed in the belief that this would be the case, and that the lines of the road as laid down on the map would be opened, I selected land upon the main line of road from Goderich to the Government land in the north, communicating with this bridge ; this was in 1834, the bridge is not yet finished, and was not actually commenced till this spring ; and I do not believe there can be any means of communicating by it this year.

Is this bridge of importance to persons settled on the north of the Maitland ?

We have no certainty of being able to cross the river without it, except in winter, and then we cross the river on the ice at the mouth of the harbour. The commissioners too, since the bridge has been commenced, have refused to open a road on the north side of the river, to unite the bridge with the road leading through the township ; during a considerable part of the year we can neither take our produce to market nor obtain goods. I have known the river absolutely impassable, either on horseback or on foot for three days together ; in fact it is scarcely possible to describe the inconvenience to which we have been, and are exposed to, for want of this bridge. In addition to this neglect of the company to fulfil what was certainly an implied, if not an express contract, I have to complain of a positive infraction of a similar engagement. I have mentioned that I purchased land upon the

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THE IMMIGRANTS AND IMPROVEMENT

main line of road from Goderich to the north, and other settlers did the same, when, however, contracts were given out for the lines of road through the township, they entirely deviated from the great lines as laid down on the map, along which, upon the faith of the map, settlers had established themselves, and were to be carried through the least settled parts of the township. When I stated this to Mr. Jones, the Company's Commissioner, he stated broadly that the land through which the great lines were laid down according to the map, were all taken up, and the Company had no further interest in them, and it was their object to attract new settlers. Mr. Jones made a similar statement in a letter on the subject of the bridge. When giving a reason why the Company did not make it at once, he mentioned that they had little interest in that township, having disposed of nearly all their land in it. A portion of the road offered to be contracted for, passed where no road was laid down in the map, the remainder passed along lines of road that had been laid down, but which were laid down as concession roads and side lines. I applied to Mr. Jones to change the line in such a manner that I might reap that advantage from it, which I had contemplated in making my purchase, to which he at last agreed, but on condition that I executed two miles and a half of road at the price of two miles, for which I was to be paid in land.

Are the Company then in the habit of disposing of their lands in this way, and not for money?

Yes, they frequently pay for similar works in land; in some cases contracts of this nature are taken by persons who have previously purchased land of them, and upon which all the instalments have not been paid, and their labor goes in payment of their instalment, the Company almost always fixing the rate; this has been the case with myself, in such cases it is productive of no inconvenience, but when the work is taken by mechanics and others living in the town, large quantities of land get into their hands by this means, and they do nothing to improve it.

This applies, I suppose, to the work performed at the expence of the Company?

Quite the contrary.

Do I then understand you to say that in those works which the Company are entitled to pay for out of the third of their purchase money, they pay in land, and retain the money in their own hands?

Such is the case, at least with the greater part of such works. In the contract which I have taken, which is to be paid for out of the purchase money, the whole is to be paid in land, and this is part of a contract of upwards of twenty miles, all of which is, I believe, to be paid for in the same way.

At what rate per acre is the land valued?

It varies from two to three dollars.

Is this land, so to be taken, wild land?

Yes, it is.

In the same state in fact as when it was purchased from Government?

Yes, the land is in the same state, but it has the advantage of a population and leading roads, the expence of making which roads is, however, charged to the Government.

What is the price per acre which they pay to Government?

Less than three shillings.

So that they require their contractors for this Government work to take

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land at fifteen shillings per acre, for which they are paying three shillings, or one-fifth?

They do, with regard to the manner in which the company have performed their contracts with Government, and thus procured the advantages to the colony, which were held out as the inducement to grant them a charter, I may state that the objects referred to in the charter to which one-third of the purchase was to be applied, were, I believe, for I speak now from memory, not having the charter at hand, making roads, building bridges, erecting wharves, piers, churches, school houses, mills, &c. two good roads have been formed, leading from Wilnot and London to Goderich. No bridges have been built, excepting those in the line of the roads, neither wharves nor piers have been built, (the harbour at Goderich is erected under a Provincial Act, authorizing the levying of dues.) there are no churches; they have however contributed something towards the erection of a presbyterian church at Goderich, and another place of worship at the distance of about thirteen miles from that; they have also contributed in a small degree to the erection of a school in Goderich, and another at Stratford upon Avon. There are but four mills in the whole Huron tract, only one of which, that of Stratford upon Avon, is sufficient to supply its neighbourhood with flour.

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William Deaj, Esq., Barrister at Law, M. P. P.

You are I believe a native of this Province ?  
I am, and have always resided in it.

You are acquainted with the townships bordering on Lake Simcoe, to the eastward ?

I am.

Can you state what is the population of these townships ?

Not exactly, but they are very thinly settled.

What is the state of these townships as to their internal communication ?

The roads are very bad, probably among the worst of the Province, the soil being very rich, and the land level.

Does not this state of the roads tend very much to retard the progress of settlers ?

It certainly does more than any other cause.

Do you know if much of the land in these townships remains in the hands of Government or of the Clergy corporation ?

I think not, with the exception of Clergy Reserves.

Then the land is for the most part owned by non-resident proprietors ?

Yes, but the non-residence of many of the proprietors, is attributed to the badness of the roads, many of those who had settled there having been compelled by this cause to abandon their locations.

What public funds are there available for the improvement of the roads ?

None now, with the exception of one-third of the wild land assessment tax in each township. Special grants of from £30 to £100 sterling for each township, have in former years been granted by the Legislature for the improvement of the roads ; in addition to these, there is the statute labor required by law. These funds, though inadequate, have still effected considerable improvements ; since the land tax has come into operation there has been a very perceptible improvement.

Are these evils which you describe, peculiar to these townships, or do they affect the Province generally ?

They are generally felt throughout the Province.

Has any plan suggested itself to your mind by which an effectual remedy might be applied to these evils ?

I have for many years given the improvement of roads great consideration, and would suggest, 1st. That the whole of the wild land tax should be appropriated to the improvement of roads. 2nd. A general commutation of statute labor. 3rd. An uniform and improved system of spending the funds thus produced on the roads, under the superintendance of competent persons.

Do you imagine the produce of the present land tax and the other resources mentioned by you, would under any management, be sufficient for the objects to which you would have them applied ?

I think they would with occasional small grants from the Legislature for such works as bridging extensive swamps, &c. These remarks apply generally to the roads throughout the Province, but leading roads and thoroughfares, can in my opinion be kept in proper repair, only by a toll upon the traffic upon them.

WILLIAM DEAJ, ESQ., BARRISTER AT LAW, M. P. P.

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Charles Shingf, Esq. of Fitzroy Harbor, Upper Canada, further examined.

You are the owner of a considerable tract of land in the township of Fitzroy?

I am, of nearly 6,000 acres.

In what manner was this land obtained?

On my arrival in this country from Scotland, in 1819. I brought with me an order addressed to Sir Peregrine Maitland, at that time Governor of the Province, directing a grant to be made to me of 3,000 acres of land; the remainder has been acquired partly by grant and partly by purchase.

Was this grant of 3,000 acres subject to any conditions?

To the usual conditions of settlement, that is of clearing a certain portion of the land before the patent issued, which was not until after performing these duties that I obtained my patent.

Fitzroy Harbor was at that time, was it not, considerably above any settlement on the Ottawa?

It was nearly thirty miles.

What was your inducement for locating yourself at that distance from any settlement?

It was partly because I was enabled to obtain my land in block, and partly because on account of its position, and possessing water privilege, it appeared a desirable place for the formation of a settlement, which was one of the objects I contemplated in applying for so large a grant.

Did the settlement of the township of Fitzroy proceed with rapidity?

No; its settlement was greatly retarded in consequence of the greatest part of the best land in the township having been given away by the Land Board at Brockville, to persons who were the holders of militia claims, and were themselves settled in other parts of the country; but for this circumstance the township must have settled with rapidity, as the land in it is generally good, and its position on the Ottawa affords great facilities for sending produce to market.

Were no precautions taken to prevent so large a portion of any township being taken up in this manner by persons who made no attempt to settle?

As soon as I was aware of the fact that the land in this township had been so taken up, I applied to Major Hillier, Secretary to the Governor, complaining of the injury that would be inflicted on the township, by this manner of disposing of the land, and he assured me that positive instructions had been given, that no more than one-third of any township should be disposed of in this manner, and therefore that the Land Board must have exceeded their authority. As however the grants had been made the mischief was beyond remedy. The settlement of the township was however for many years almost stopped, and is still greatly retarded by this circumstance, and townships in the rear of this with no better quality of land, and the settlement of which was begun at a later period, are at the present time thickly settled, while hardly a fourth of Fitzroy can be considered as settled.

But these absentee holders are, I presume, ready to dispose of their land to purchasers upon reasonable terms?

This is the case sometimes, but generally when they can afford to hold their lands, they are reluctant to sell, under the impression that some improvements will be made in the navigation of the Ottawa, which would give a greatly increased value to lands of the township.

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What effect has the state of things which you have been describing, produced upon the state of the roads in the township?

The small number of settlers in the township have been quite unable to make, I will not say good, but even passable roads, during a considerable portion of the year, and owing, I presume, to the scanty population of this part of the country, which prevent them from having any influence in the Legislature, the grants for the improvements of the roads in that part of the country have been very small even in comparison with those in other parts of the country, where a similar necessity did not exist to any thing like an equal extent. In consequence of this state of the roads, the settlers in Fitzroy and the neighbouring townships frequently take their grain to mills a considerable distance, although there is a mill in the township, to which they would more naturally come, if they were able, and the prosperity of the settlers is greatly retarded by the circumstance.

Is the township of Fitzroy, the only township bordering on the Ottawa, in which a state of things such as you have described exists?

I do not know of any other townships which were granted in this way to militia claimants, but in all the townships between Bytown and Montreal, the lands fronting on the Ottawa have been shut up by old military grants, the proprietors of which are absentees, and the land still a wilderness. In this way settlement has been forced up at least 60 miles to places where land still remains in the hands of Government, and is open for location.

I presume too that the lands fronting on the river, being in this manner withheld from settlement, must virtually shut out from settlement, a considerable tract of land in the rear?

Yes, such has actually been the case.

What in your opinion would be the effect of such a tax upon the wilderness land, as would make it the interest of these holders of wilderness land, to improve it or dispose of it to actual settlers, and the whole produce of which should be specifically applied to improving the communications, and facilitating the settlement of the country?

The effect of such a tax would be in my opinion to cause a very rapid settlement of the lands upon the banks of the Ottawa, which would naturally spread back upon land at present locked up from settlement by these unoccupied grants, and would tend very generally to develop the resources of the country. The population of Fitzroy, the greater part of which is settled upon my grant would be at this time probably threefold had such a system been pursued.

Has any injurious effect been produced in your township by the reserves for a protestant clergy?

I am not aware that there is any injurious effect since these reserves at first formed only a portion of the wilderness appropriated land, and they have been practically more open for settlement than land which has been granted to private individuals.

Then a portion at least of the Clergy Reserves in the township of Fitzroy have been disposed of?

They have.

The settlement of that township was begun 19 years ago?

It was.

What is the present population of the township?

About 1100.

To what religious denomination does the population chiefly belong?

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ing?

They are chiefly Presbyterians from Scotland and the north of Ireland. Have any part of the proceeds of the Clergy Reserves been applied in giving religious instruction for the inhabitants of the township?

No, not in any way. Does the appropriation of so large a portion of the lands of the Province to a purpose from which the inhabitants have received no benefit, excite any feeling of discontent?

I can not assure that it does, further than the general feeling that these lands should not be appropriated to the support of one church only.

From the evidence given to this committee by Mr. Radenhurst, Clerk in the Surveyor General's office, it appears that there does exist a tract of the disposal of the Crown, in the surveyed districts, more than 1,500,000 acres, have you from any circumstances been led to form any opinion as to the quantity of land available for settlement in the surveyed parts of the Province?

In addition to a block of land situated to the north of the Canada Company's Huron tract, and which must contain from two to three million acres, there is a large unsurveyed tract between Lake Nepissing and the ridge which runs in a North East direction, from Lake Simcoe, which would contain probably from five to seven millions of acres of good land. I have been particularly led to turn my attention to the tract of land, in consequence of my having for several years been engaged in endeavouring to carry into effect a plan for making a navigable communication between Lake Huron and the Ottawa, and improving the navigation of that river. Were this effected this latter large tract of land would be opened for settlement, and would be nearer to England than any part of Upper Canada, to the west of Lake Ontario. In addition to rendering accessible for the purpose of settlement, this large tract of valuable land, the plan to which I have referred would make Upper Canada the outlet for the increasing trade of the fertile regions of the North West portion of America, which it would at once bring five hundred miles nearer the ocean, and would secure to Montreal and Quebec the larger portion of the trade of that region.

From the accounts which you have received, do you imagine that the tract of land in question, is by the circumstances of soil and climate, fitted to maintain a large agricultural population?

From the report of my son, who travelled through this part of the country, with a view to discover a navigable communication to Peauquiagahene, by order of Colonel By, in 1829, and also from traders who have traversed that region in almost every direction, and who concur in expressing the same opinion. I have no doubt that the soil is sufficiently fertile for all agricultural purposes, and the climate and situation healthy. I have no doubt that to the westward of Lake Nepissing, even to Lake Superior, the country is perfectly fit for settlement, and agriculture. In fact to the north of what has as yet been considered the boundary line of Upper Canada, I have no doubt that an agricultural population of several millions might be most advantageously settled.

FROM THE ARCHIVES OF THE GOVERNMENT OF CANADA

The Honorable and Venerable *John Strachan*, D. D. Archdeacon of York.

How long have you resided in this country?

Thirty-nine years.

You are, I believe, a member of the corporation for the management of Clergy Reserves?

I am, but that corporation has not met for the last four years, and never had any power, but that of leasing Clergy Reserves, subject to the approbation of the Governor in Council.

Of what do these Clergy Reserves consist?

They consist of a portion equal to one-seventh of the granted lands in this Province, and they amount to about two and a quarter millions of acres.

A portion of these reserves have, I understand, been sold under an Act of the Imperial Parliament, has this sale been conducted in any manner to effect injuriously the interests of the Clergy?

I can hardly say it has been, the commissioners on the whole have acted fairly.

Have there not been very frequent complaints of the injurious tendency of these reserves, as regards the prosperity and improvement of the Province, by interposing blocks of wild lands among the settled parts, thus impeding the means of communication, and of transporting produce in the country?

Such complaints have frequently been made, but I believe unjustly. From my inquiries a few years ago, on the occasion of the attempted sale to the Canada Land Company, I found a greater number of inhabitants in proportion, on the Clergy seventh than upon the granted lands of the Crown, as they offered facilities to settlers which cannot otherwise be obtained.

Has the reserve of this portion of the lands of the Province for the support of the Clergy of one denomination produced any, and if any, what state of feeling adverse to the peace and tranquility of the Province?

For the last eighteen years, a question has been raised by the ministers of the Kirk of Scotland, claiming an equal right in the reserves with that of the Church of England; this has excited a great deal of trouble, because all denominations joined the Kirk of Scotland, in the hopes of obtaining a share, as they contend, that if the Clergy Reserves are not given to the Church of England exclusively, they have all an equal right.

But am I to understand that in your opinion, if these reserves were given to the church of England exclusively, all denominations, with the exception of the Kirk of Scotland would be satisfied, and the troubles which have been occasioned by the agitation of this question put an end to?

Had the Imperial Parliament, at an earlier period given a firmer decision upon the subject, or had the true meaning of the Imperial Act been settled by a judicial proceeding, little or no excitement would have been raised in the Province by any denomination whatever, excepting the Kirk of Scotland; but leaving the question unsettled, it has gradually acquired greater and greater importance, and from the opinions respecting the intention of the Act given by the Crown lawyers, in 1819, and by a Committee of the House of Commons, in 1828, neither confirmed

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by any judicial proceeding, hopes have been raised among the members of the Kirk of Scotland, and among all denominations (not even excepting the Roman Catholics) that the provision set apart for the Protestant clergy, by the Constitutional Act, would be entirely broken down and distributed among all parties.

And disappointment would tend to endanger the peace of the country. It does not appear to me that a grave and constitutional proceeding upon the subject would create any great excitement in the Province other than disappointment, where a great interest affecting a number of people is involved. It has always been my opinion since the question of reserves was agitated, that it should be referred to the Imperial Government, in whose decision, I have always believed, and still believe, there would be a general acquiescence.

1819 JANUARY 1 1819

Reverend *Ejerton Ryerson*, Minister of the Wesleyan Church of Toronto.

How long have you resided in this Province ?

I am a native of this Province, and have resided here the greater part of my life.

You are a Minister of one of the most numerous and influential denominations of Christians ?

Probably the most numerous.

You must have had many opportunities of knowing the general feeling, both religious and political, of this Province, and the circumstances that have affected its prosperity and tranquility ?

From my long residence and extensive acquaintance with the inhabitants, I have had such opportunities.

What in your opinion has been the effect of Clergy Reserves considered only as a means of withholding a large portion of the country from the acquisition of settlers and then keeping it waste ?

I think they have tended very materially to impede the settlement and improvement of the Province in these respects ; by being interspersed among those parts which were open for settlement, they exposed the settler to great inconvenience in making roads, and they reduced the value of the neighbours farms by their remaining in a wild state. It is true, I understand, they might be obtained on lease, but in general settlers would not occupy Clergy reserves, when they could obtain land in fee simple.

Do you imagine the appropriation of Clergy Reserves to the support of a Clergy of one denomination exclusively, has produced any effects injurious to the peace and tranquility of the Province ?

I think the peace of the Province has been and is most seriously affected, and that it must continue to be so, as long as the cause is allowed to remain ; the vast majority of the inhabitants are opposed to this appropriation of the Clergy Reserves, and their numbers and the strength of the feeling upon this subject, are constantly increasing. There has perhaps been no period at which the dissatisfaction arising from this cause was greater than at the present period.

In what manner should you be disposed to recommend, that these reserves should be appropriated in future, with a view to prevent the continuance of such a state of feeling as you have described ?

I should recommend that they should be appropriated entirely to educational purposes, and this I believe to be the general opinion of the Province. I do not see any prospect of a peaceful adjustment of the question in any other manner, there would probably be found insurmountable difficulties in the way of division amongst different sects, and the feelings of a large portion of the community would be altogether opposed to such an application of the funds which they might produce.

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W. Green I *William Turnbull Esq.*, a Minister of the Church of Scot-

land. Do you have you resided in this country?  
I came out in 1832, and have been in this country since then, with  
an exception of six months spent in England.

What have been your opportunities of ascertaining the state of feel-  
ing in the country and the causes which have effected its tranquillity and  
prosperity?

In addition to the general opportunities which occur during a six  
years residence in the colony, I was engaged for fifteen months as mis-  
sionary, and during that time I travelled extensively through the Province.

What in your opinion has been the effect produced on the prosperity  
of the Province by the existence of the Clergy Reserves?

I am not of opinion that they have acted injuriously with regard to  
the cultivation of the country, or that they have affected injuriously,  
in the interest of the community certainly not in the settled districts, though  
they may have done so in the back settlements.

What effect has been produced with regard to the peace and tranquilli-  
ty of the country by the appropriation of the Clergy Reserves for the  
benefit of one religion only?

I believe it has been one of the chief causes of dissension and dissatis-  
faction, and to have tended materially to produce the late unhappy dis-  
turbances, nor do I think tranquillity will be restored until the present  
destination of those lands is changed.

What course would you from your observation of the state of feeling  
in this country upon the subject be disposed to suggest for the future dis-  
posal of these Clergy Reserves?

I should recommend an equal division among the leading Protestant  
sects, Episcopalian, Presbyterian, of the Church of Scotland, and the  
Methodists; at the same time, it may perhaps be advisable that the  
Roman Catholics should not be admitted in the distribution, though their  
numbers seem to me not so considerable as to require an equal portion.  
It would be altogether contrary to my principles, but I believe that an  
appropriation of the Clergy Reserves for educational purposes only would  
give satisfaction to the great mass of people, though not to the most in-  
fluential class of this community.

The Reverend *Robert Hill Thornton*, Minister of a Presbyterian Congregation in Whitby, U. C. in connection with the United Secession Church.

How long have you been a resident in this Province?

I have resided here since July, 1833.

What opinion have you been led to form during that period of the operation of the system of Clergy reserves, as regards both the prosperity and tranquillity of the Province?

I think that they have been one of the greatest barriers to the prosperity of the Province, they stand in the way of roads and other public improvements, and impede the operations of the settlers in the neighbourhood of such lots. In many cases these lots intervene between the settlers and mills and markets, and the roads through them must remain unmade, or be made with great sacrifice by the poor settlers in their rear, in fact it keeps them poor, for I have known instances where persons might have brought their grain to a good market, but for this state of roads, and where as it is they are compelled to wait till the frost has formed a road when can bring out some small portion of their produce.

But the Clergy reserves are not, I presume, the only lands which are thus kept waste to the injury of the settlers, and the retarding the advance of the Province?

No any large block of land would have the same effect, but the injurious effects of the Clergy reserves are most felt in the settled part of the country. These reserves have been a constant subject of irritation throughout the Province, and their disposal has frequently been brought before the House of Assembly. In fact it is impossible to describe the interest which has been excited upon the subject, whenever it has been under discussion, the people anticipating a final adjustment of the matter. The constant agitation of this topic has produced a very injurious effect upon the feelings of the country. Anticipating a division of this property among different sects, they have become more embittered towards each other, and this bitterness has been transferred to general politics. Since I have been in the Province I have marked public opinion changing upon the subject; at first the general opinion appeared to be that it should be divided among all religious sects, but latterly there has been a preponderance of feeling in favor of its appropriation to purposes of general benefit, such as education, &c. One main cause of this change of opinion has been that the people have become more alive to the miserable state of education throughout the Province, and the growing conviction among people well disposed to religion, that however liberally a Priesthood may be endowed, they can do nothing effectual without an educated people. There is in fact not the slightest chance of tranquillity in the Province, so long as this question remains unsettled, it has made almost every man in Canada a politician, and all alike declare that there can be no peace until the Clergy Reserve question is settled. I do not wish to be understood as representing this feeling as unanimous throughout the country, but I believe it to be decidedly the preponderating feeling.

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Reverend Council of the Province of the Secession

How long have you resided in this Province? Twenty-eight years. What have been your opportunities of ascertaining the operation of the system of Clergy Reserves upon the prosperity of the Province, and the feeling with which that system is regarded by the inhabitants? From my long residence in the country, and general acquaintance with every part of the Province, having travelled as a missionary over the whole of it, I have had very extensive opportunities of observing the effects of the system upon the prosperity of the country, and the sentiments with which it is regarded. You have heard the evidence of Mr. Thornton, do you concur in the opinion which he has expressed upon this subject? Decidedly. Are there any circumstances that you would wish to state in addition? I should desire to state that, the body with which I am connected would be generally perfectly satisfied with the appropriation of the Clergy Reserves for the purpose of general improvement, but in the case of a Division, they would require that the proceeds should be equally divided among all sects alike.

the inferior part of the population brought forth. Besides the fact that it has the effect of a very injurious Division of the land, and is a general cause of the opinion that it is better to be divided than to be united. It has the effect of changing the mind to the growing of a liberal without an equal opportunity has made that there I do not through- understanding

THE PRESBYTERIAN CHURCH OF UPPER CANADA



Reverend *John Hoof*, Minister of the Congregational Church, Toronto.  
How long have you resided in this Province?

I have lived here a year.

What have your opportunities of acquiring information been?

I am Agent for the Colonial Missionary Society, and am therefore called upon to spend a great deal of time in travelling, to visit churches of our order, throughout the Province.

What has been the effect of Clergy Reserves in your opinion as regards the settlement and cultivation of the Province?

I am unable to speak from my own experience, but I have heard almost every where complaints of the evil which they have occasioned in this respect; persons have been prevented from settling in the neighborhood of Clergy Reserves, because they would have to make roads round them to get to their own property, and because they afford a retreat to wild beasts, and in this way I believe them to have operated most injuriously.

What effect has been produced on the peace and tranquillity of the country, by the appropriation of the Clergy Reserves, to the use of the Church of England only?

It has produced a great deal of bitterness towards the members and clergy of the Church of England, and has been the cause of dissatisfaction and distrust of the Government.

What course would you adopt in the future disposal of Clergy Reserves?

I should recommend that they should be entirely appropriated for the purposes of education, I believe this is the general opinion, but in failure of this measure, I would rather see them re-vested in the Crown, than divided among the different religious sects.





CANADA.

67

No. 2.

Upper Canada.  
Land Leads.

Remarks.

10,250 acres Indian  
Land.

A STATEMENT of the quantity of land, described, located, or for which authorities are lodged in the Surveyor General's Office, in favor of U. E. L. and Militia claimants.

U. E. Loyalists.

Acres unlocated.	Acres located.	Acres described.	Total.
321939	150800	2734230	3206939

Militia Claimants.

204332	124376	402001	730709
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2,700 acres Indian  
Land.

2,700 acres Indian  
Land. 4200 Acres  
of C. L. 70 Acres.

1,000 acres Indian  
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1,000 acres Indian  
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of C. L. 70 Acres.

1,000 acres Indian  
Land. 4200 Acres  
of C. L. 70 Acres.

Surveyor General's Office,  
Toronto, 22d Sept. 1838.

No. 3.

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A Return of the number of acres of Crown Land granted from July, 1804, to January, 1819, under the Regulations of the 6th July, 1804, subject to the payment of fees.

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Total—388,263 acres.

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Surveyor General's Office,  
Toronto, 10th Oct. 1838.

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No. 4.

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A Return of the number of acres of Crown Lands granted under the Regulations of the 1st January, 1820.

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Total—72,328 acres.

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Surveyor General's Office,  
2d October, 1838.

**No. 5.**

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A Return of the number of Acres of Crown Lands described for patent during the time Settlement duty was in force, namely from the 14th November, 1813, to the 1st July, 1835.

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Total—2,073,487 Acres.

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Surveyor General's Office,  
Toronto, 10th October, 1838.

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**No. 6.**

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A Return of the number of Acres of Government Land for which descriptions have issued since the 1st of July, 1835, the period at which Settlement duties were dispensed with, on Grants to U. E. Loyalists and Militiamen.

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Total—1,962,996 Acres.

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Surveyor General's Office,  
Toronto, 4th October, 1838

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No. 7.

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A Return of the number of Acres of Crown Lands granted under the Regulations of 1825, (without purchase.)

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Total—15,100 Acres, being under the Quit Rent system.

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Surveyor General's Office,  
Toronto, 10th October, 1838.

N. B.—The original Grantees under this regulation on application to the Lieutenant Governor in Council, now receive their patents on payment of the fees of 1804; the Regulation itself has become obsolete.

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No. 8.

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Return of the number of Acres of Land granted to discharged Soldiers and Seamen.

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Previous to 31st December, 1825—112,200 Acres.

Subsequent to 31st December, 1825—337,200 Acres.

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Surveyor General's Office,  
Toronto, 16th October, 1838.

## No. 9.

Return of the number of acres of Crown Land granted to Magistrates and  
Barristers.

Total—255,500 Acres.

Surveyor General's Office,  
Toronto, 15th October, 1833.

## No. 10.

Return of the number of acres of Crown Land granted to Clergymen of  
different denominations.

Sect.	No. of Acres.
Church of England,	29,200
Presbyterian,	3,000
Roman Catholic,	4,700
Total—Acres	36,900

Surveyor General's Office.  
Toronto, 15th October, 1833.



No. 11.

Return of the number of Acres of Crown Lands granted to Executive Councillors and their families.

Name of the Grantee.	No. of Acres	Date of the Orders in Council
Hon. Alexander Grant,	6000	10th July, 1793, and July, 1799.
Family of Alex. Grant.	Alexander Grant, Jun.	1200
	Bella Grant,	1200
	Archangel Grant,	1200
	Phillis Grant,	1200
	Theresa Grant,	1200
	Betsy Grant,	1200
	Nelly Grant,	1200
	Nancy Grant,	1200
	Mary Grant,	1200
Mrs. Theresa Grant.	1200	
		21st August, 1796.
		10th June, 1797.
Hon. Peter Russell,	6000	17th Oct. 1792, & 1st July, 1799
Sister of Peter } Elizabeth Russell	1200	18th July, 1795.
Hon. Henry Alcock,	6000	1st Dec. 1798 & 9th Feb. 1807.
Family of } Catherine H. Alcock,	1200	1st December, 1798.
	H. Alcock } Mrs. Hannah Alcock,	
Hon. Samuel Smith,	4280	23d July, 1793.
Family of S. Smith, as the children of a U. E. Loyalist.	Samuel Boies Smith,	1200
	Anna Smith,	1200
	Isabella Smith,	1200
	Emma L. Smith,	1200
	Catherine Smith,	1200
	Harriet L. Smith,	1200
		1st December, 1836.
		8th May, 1832.
		12th January, 1837.
Hon. David William Smith,	7200	11th July, 1795, 10th June 1799, and 21st 1799.
Family of D. W. Smith.	Mrs. Ann Smith,	1200
	Mary Elizabeth Smith,	1200
	Sarah Smith,	1200
	David W. Smith, Jun.	1200
	John Smith,	1200
	Mrs. Ann Smith, (widow.)	1200
		6th October, 1796.
		21st April, 1798.
		3d October, 1795.
Hon. John Elmsley	6000	1st July, 1793.
Wife of } Mrs. Mary Elmsley		15th June, 1797
John Elmsley }		

Carried over—Acres. . . 57,940

Name of the Grantee.	No. of Acres.	Date of the Orders in Council.
Brought over.	6 5400	
Hon. James Baby, Mrs. Susan Baby, wife of James Baby,	6000	1st July, 1799.
	1200	23d July, 1793.
Hon. John McGill, Mrs. Catherine McGill, wife of John McGill,	6000	4th July, 1799.
	1200	8th October, 1796.
Hon. William Dummer Powell, Mrs. Ann Powell, John Powell, Grant Powell, Jeremiah Powell, Thomas Powell, Ann Powell, Elizabeth Powell, Mary Boyles Powell,	6000 1200 1200 1200 1200 1200 1200 1200	<sup>29th Dec. 1788, 1st June, 1794, 20th March, 1797, &amp; 7th Dec. 1832.</sup> 3rd January, 1797. 11th December, 1797.
Hon. W. Claus, William Claus, Junr. John Claus Warren Claus, Mrs. Catherine Claus, Mrs. Ann Claus, widow of Lieutenant Col. Claus,	2000 1200 1200 1200 1200 5000	26th Jan. 1797 & 14th June, 1811 19th Jany, 1818. 3rd Nov. 1836. 5th August, 1833. 19th Jany. 1818. 14th April, 1798.
Hon. Aeneas Shaw, Aeneas Shaw, Junr. Alexander Shaw, Charles Shaw, George Shaw, John Shaw, Richard Shaw, Isabella Shaw, Sophia Shaw, Ann Shaw, Charlotte Stewart Shaw, Mary Raiston,	6000 1200 1200 1200 1200 1200 1200 1200 1200 1200 1200	29th July, 1795, & 1st July, 1799 27th August, 1796. 5th September, 1833. 5th September, 1833. 12th August, 1833.
Hon. Prideux Selby,	2000	27th July, 1797.
Hon. Thomas Scott,	1200	1st June, 1802.
Hon. Colonel John G. Simcoe, Francis G. Simcoe, son of J. G. Simcoe,	5000 1200	9th July, 1794. 18th June, 1795.
Carried over—Acres.	134850	

Name of the Grantee.	No. of Acres.	Date of the Orders in Council.
Brought over—Acres.	134880	
Family of John Small, Clerk of the Executive Council.	John Small, Esq.	3700 3d Aug. 1797, 4th Dec. 1806.
	Mrs. Eliza Small,	1200 5th October, 1796.
	Joseph A. Small,	1200 4th October, 1796.
	John R. Small,	1200 14th March, 1811.
	James E. Small,	1200 14th March, 1811.
Total—Acres.	142960	

## No 12.

A Return of certain large grants made to Legislative Councillors and their families.

Name of the Grantee.	No. of Acres.	Date of the orders in Council.
Honble. Robert Hamilton, Family of Robert Hamilton. { Robert Hamilton, junr. George Hamilton, Alexander Hamilton, James Hamilton, Samuel Hamilton, William R. Hamilton, John Robertson Hamilton, Peter Hamilton.	6060	17th January, 1797.
	1200	
	1200	
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	1200	
	1200	
	1200	
Honble. Richard Cartwright, Family of R. Cartwright. { Mrs. Magdalen Cartwright, James Cartwright, Richard Cartwright, junr. Hannah Cartwright, Mary Cartwright.	4422	21st June, 1791, 9th Jan. 1796, 4th June, 1797. 7th June, 1797.
	1200	
	1200	
	1200	
	1200	
	1200	
Honble. John Munro, Family of John Munro. { Harry Munro, John Munro, junr. William Munro, Cornelia Munro, Christiana Munro, Charlotte Munro, Mary Munro.	3200	29th June, 1793. 1st July, 1797.
	1200	
	1200	
	1200	
	1200	
	1200	
	1200	
Honble. Henry Hay, Thomas Fraser.	5000	22d June, 1793. 14th August, 1797.
	6793	
Total—Acres	49475.	

## No. 13.

Schedule shewing the compensations made to Contractors and Surveyors for making Surveys in the Province of Upper Canada.

Names of Contractors and Surveyors.	Contractor. Surveyor.	Townships Surveyed.	Acres.
William Brown,	Sr	Plantagenet,	2709
James G. Chewett,	..	Medoue,	2303
Mahlon Burwell,	..	Lobo,	2195
William Brown,	..	Seymour,	3515½
Daniel McIntire,	Cr	Madoc—part of	1200
Ezekiel Benson,	Sr	Mono	2544
Ezekiel Benson,	..	Essa,	3253
Ezekiel Benson,	..	Adjala,	2310
James G. Chewett,	..	Oro,	3105
James G. Chewett,	..	Albion,	2635
Gabriel Lount,	..	West Guilfimbury,	1960
Geo. Rich. Ferguson,	Cr	Tyendingaga—Part of	1331
Samuel Rykeman,	Sr	Erasmosa,	2030
Samuel Rykeman,	..	Nesagiweya—North half of	973
Samuel Rykeman,	..	Caledon—West part of	1685
Daniel McIntire,	Cr	Madoc—Part of	1130
Thaddeus Davis,	..	Niseouri,	4290
Thaddeus Davis,	..	Zorra,	5069
Daniel McIntire,	..	Madoc—Part of	1120
James Pearson,	..	Innisfel,	3440
James G. Chewett,	Sr	Caledon—East part of	1400
Abraham Nelles,	Cr	Esquesing—North part of	1400
Abraham Nelles,	..	Erin—South half of	1720
Gabriel Lount,	Sr	Tecumseth,	2350
Mahlon Burwell,	..	Houghton,	1505
Billa Flint,	Cr	Marmora,	3456
Zacchens Barnham,	..	Otonabee,	3150
Mahlon Burwell,	Sr	Yarmouth—North part of	1026
Mahlon Burwell,	..	Southwold—South part of	719½
Timothy Street,	Cr	Chinquacousy—Part of	1900
John Galbraith,	Sr	Mariposa,	3555
Timothy Street,	Cr	Toronto, (Township) part of	1000
Timothy Street,	..	Trafalgar—Part of	850
Timothy Street,	..	Esquesing—Part of	800
Richard Bristol,	Sr	Toronto—Part of	600
Richard Bristol,	..	Chinquacousy—Part of	1800
Richard Bristol,	..	Esquesing—Part of	800
		Carried over,	77420½

Names of Contractors and Surveyors.	Contractor or Surveyor.	Townships Surveyed.	Acres.
			77420.3
Richard Bristol,	Sr	Trafalgar—Part of	800
Reuben Sherwood,	..	Nasageweya—Part of	1000
Reuben Sherwood,	..	Nelson—Part of	1060
Reuben Sherwood,	..	Toronto—(The Gore of)	900
Thomas Smith,	..	Sombra,	4345
Mahlon Burwell,	..	Mosa,	2237
James G. Chevett,	..	Vespra,	1970
Zaccheus Burham,	Cr	Ashphodel,	1820
John Edward White,	Sr	Thora,	2216
And. Borland & Wm. Roe,	Cr	Orilla,	3851
John McDonald,	Sr	Clarence,	4201
John McDonald,	..	Gloucester—Part of	2463
Duncan McDonell,	..	Cumberland and part of Gloucester	5612
Duncan McDonell,	..	Gloucester—Part of	1221
William Browne,	..	Alfred,	1920
John Smyth,	Cr	Ebzever,	3147
John Bostwick,	Sr	Westminster,	1218
Thomas Horner,	Cr	Dawn,	3773
Samuel M. Benson,	Sr	Hungerford,	2466
Allan Robinet,	Cr	Tosorouti,	2240
Allan Robinet,	..	Monro—West part of	960
Samuel Rykeman,	Sr	Erin—North part of	1723
Samuel Rykeman,	..	Garrapaxa,	4631
William Browne,	..	Plantagenet—Gore of	1476
Billa Flint,	Cr	Levant,	1818
Billa Flint,	..	Torbolton,	795
Billa Flint,	..	Fitzroy,	1335
Billa Flint,	..	Pakenham,	1920
Billa Flint,	..	Darling,	2330
Samuel M. Benson,	Sr	Sheffield,	3158
John Goesman,	..	Tiny,	3503
Billa Flint,	Cr	Palmerston,	3114
Allan Robinet,	..	Muhmur,	3572
Allan Robinet,	..	Amaranth,	3248
Mahlon Burwell,	Sr	Zone,	2950
Mahlon Burwell,	..	Gosfield,	916
Mahlon Burwell,	..	Raleigh,	2172
Abraham Nelles,	Cr	Harvey,	6100
Abraham Nelles,	..	Burleigh,	4126
Abraham Nelles,	..	Emily,	1114
Mahlon Burwell,	Sr	Howard,	1714
Wm. McDonald,	..	Russell,	2550
Charles Hayes,	Cr	Belmont—Lake of Methuen,	8535
Samuel M. Benson,	Sr	Hinchinbrooke,	2437
Samuel M. Benson,	..	Bidford,	2853
		u Carried over,	195875.3

Names of Contractors and Surveyors.	Contractor Surveyor.	Townships Surveyed.	Acres.
		Brought over.	195575.0
Abraham Nelles,	Cr.	Blandford,	1129
John Smyth,	..	Kaladar,	3362
James Kirkpatrick,	Sr.	Feneelon,	4147
Mahlon Burwell,	..	East Tilbury,	2494
Mahlon Burwell,	..	West Tilbury,	2306
Mahlon Burwell,	..	Middleton,	1667
Charles Fothergill,	Cr.	Verulam—Part of	1870
Reuben Sherwood,	Sr.	Mac Nab,	5128
George S. Boulton,	Cr.	Verulam—Part of	1870
Owen Quinn,	Sr.	Horton,	1080
Allan Robinet,	Cr.	Melancthon—Part of	1300
James G. Chewett,	Sr.	Mara,	2484
Duncan McDonell,	..	Ops,	3054
Henry Ewing,	..	Eldon,	4103
Mahlon Burwell,	..	Sandwich,	1578
Mahlon Burwell,	..	Maidstone,	2128
Mahlon Burwell,	..	Rochester,	1584
Mahlon Burwell,	..	Orford—Part of	600
Mahlon Burwell,	..	Orford—Part of	354
Wm. McDonald,	..	Osgoode,	5010
John Smyth,	Cr.	Olden,	3034
John Smyth,	..	Kennebec,	3456
John Smyth,	..	Oso,	2475
Angus Cattenach,	..	Roxborough—Part of	1009
Zachens Burnam,	Cr.	Douro,	1669
Zachens Burnam,	..	Dummer,	2988
Andw. Borland & Wm. Roe..	..	Tay,	1930
Mahlon Burwell,	Sr.	Carradoc—Part of	1182
Mahlon Burwell,	..	Southwold—Part of	706
Mahlon Burwell,	..	Karwich,	3475
			264150.0

## No. 14.

Return of number of acres patented to the Canada Company, 1,393,388

Appropriated.

In blocks .....	1,100,000	
Scattered Crown Reserves, .....	1,384,413	
		<u>2,484,413</u>
Remaining,		<u>1,091,025</u>

Surveyor General's Office,  
Toronto, U. C. 5th September, 1888.

## No. 15

A Return of the number of Acres of Crown Land disposed of by sale  
for which descriptions have issued.

Total—55,084 $\frac{1}{2}$  Acres.

Surveyor General's Office,  
2nd October, 1888.



No. 16.

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A Return of the number of acres of Clergy Reserves for which descriptions have issued.

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Total—73,806½ acres.

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Surveyor General's Office,  
Toronto, 4th October, 1838.

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No. 17.

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Return of the number of acres of School Lands under patent, viz:—

20,677 acres.

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Surveyor General's Office,  
Toronto, 10th October, 1838.

No. 18.

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Return of Lands granted to Officers of the Army and Navy in lieu of  
Remission Money.

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Total—92,526 Acres.

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Surveyor General's Office,  
Toronto, 10th October, 1838.

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No. 19.

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A Return of the number of Acres of Crown Lands located, but not  
described for Patent, exclusive of such as have been sold by  
the Commissioner of Crown Lands.

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Total—795,400 Acres.

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Surveyor General's Office,  
Toronto, 16th October, 1838.

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## No. 20.

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Return of the number of Acres of Land for which Orders in Council are filed in the Surveyor General's Office, which remain unlocated, viz :

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To Emigrants, &c.—subject to the payment of Fees—86,050 Acres.

To reduced Officers, Soldiers and Seamen—106,300 Acres.

To Provincial Militiamen—85,200 Acres.

To United Empire Loyalists, and Military Claimants }  
who served during the revolutionary war with } 295,200 Acres.  
the United States, }

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Surveyor General's Office,  
Toronto, 16th October, 1838.



